

ROANOKE CITY COUNCIL REGULAR SESSION

FEBRUARY 22, 2005 7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Harris.

Welcome. Mayor Harris.

NOTICE:

Tonight's Council meeting will not be televised live. The meeting will be replayed on Channel 3 on Thursday, February 24, 2005, at 7:00 p.m., and Saturday, February 26, 2005, at 4:00 p.m. (Closed captioning will not be available.)

A communication from the City Manager recommending adoption of a resolution expressing support for the nomination of the Blue Ridge Parkway for the National Scenic Byway All American Road program.

A. PUBLIC HEARINGS:

- 1. Request of The Scott Robertson Memorial Fund that the easternmost 250 feet of Densmore Road, N. W., be closed and discontinued by barricade. Richard B. Burrow, Volunteer, Spokesperson.
- 2. Request of the Western Virginia Water Authority that portions of Bennington Street, Brownlee Avenue, Kindred Street, and Underhill Avenue, S. E., and associated alleys south of the Roanoke Regional Wastewater Treatment Plant be permanently vacated, discontinued and closed. Michael T. McEvoy, Executive Director, Spokesperson.
- 3. Request of Rockydale Quarries Corporation for amendment of the Southern Hills Neighborhood Plan, a component of Vision 2001-2020, the City's Comprehensive Plan, to accommodate a recent boundary line adjustment and other changes in the text of the Plan. Maryellen F. Goodlatte, Attorney.
- 4. Request of Rockydale Quarries Corporation to rezone 62.4277 acres, more or less, consisting of 15 tracts of land located along Franklin Road, Old Rocky Mount Road, Welcome Valley Road and Van Winkle Road, S. W., from RS-1, Residential Single-Family District, RS-3, Residential Single-Family District, and C-1, Office District, to HM, Heavy Manufacturing District, and from HM, Heavy Manufacturing District, to RA, Residential Agricultural District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.
- 5. Request of Rockydale Quarries Corporation to permanently vacate, discontinue and close that portion of Draper Road from its intersection with U. S. 220 North (Franklin Road) to its terminus at Old Rocky Mount Road; that portion of Old Rocky Mount Road from its terminus on the westerly side of Official Tax No. 5370109, north to a distance of 1032.66 feet to Official Tax No. 5370106; and that portion of Welcome Valley Road from its intersection with Old Rocky Mount Road east to an approximate distance of 130.00 feet along Official Tax No. 5390110. Maryellen F. Goodlatte, Attorney.

- 6. Proposal of the City of Roanoke to amend the boundaries of Enterprise Zone One A, Enterprise Zone One A local incentives, and Enterprise Zone Two and its Subzone local incentives. Darlene L. Burcham, City Manager.
- 7. Proposal of the City of Roanoke to convey an easement across City-owned property to Appalachian Power Company at the Roanoke Civic Center facilities. Darlene L. Burcham, City Manager.

B. OTHER BUSINESS:

- 1.(a) Petition for appeal of a decision by the Architectural Review Board, filed by Jessie and Margret Taylor, with regard to erection of a metal carport at 34 Gilmer Avenue, N. E.
 - (b) Report of the Architectural Review Board with regard to the above referenced petition for appeal. Robert N. Richert, Chair.

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Resolution Supporting the
Designation of the Blue Ridge
Parkway for the National Scenic
Byway/All American Road Program

Over the past year, the Blue Ridge Parkway has been working in concert with VDOT, the Department of Conservation and Recreation, Scenic Virginia, the three other National Park Service sites in Virginia (George Washington Memorial Parkway, Colonial National Historic Park, and Shenandoah National Park), and other related organizations to prepare four nominations for the National Scenic Byway/All-American Road program. Currently Virginia has no National Scenic Byways, and is therefore not featured on certain maps and websites used by potential tourists from all over the world.

Given that the Blue Ridge Parkway would be one of the four byways nominated, the National Park Service is seeking support for this nomination from localities through which the Parkway is located. While the designation is one of recognition only, the designation is being sought in order to raise awareness of the significance of the Parkway and to potentially leverage other resources to aid in the protection of the Parkway as a scenic, cultural, and historic resource. The designation could aid in obtaining National Park Service funding for

Mayor Harris and Members of City Council February 22, 2005 Page 2

continued regional planning efforts, and could also leverage various grant applications made by local public and private stakeholder groups.

Recommendation:

Adopt the attached resolution expressing the City of Roanoke's support for the nomination of the Blue Ridge Parkway for the National Scenic Byway/All American Road program.

Respectfully submitted,

Darlene Burcham City Manager

DLB:rbt

c: Mary F. Parker, City Clerk

William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

R. Brian Townsend, Director of Planning Building and Development

CM05-00026

MA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A Resolution supporting the designation of the Blue Ridge Parkway for the Scenic Byway/All American Road Program.

WHEREAS, the designation of the Blue Ridge Parkway for the National Scenic Byway/All American Road Program by the Federal Highway Administration would further enhance the importance of this scenic highway, both nationally and internationally;

WHEREAS, the Parkway has been in existence for almost 70 years and its significance as a local, state, and national resource has continued to grow;

WHEREAS, with approximately 18 million recreational visitors annually, the Blue Ridge Parkway represents a cultural and tourism attraction for the City of Roanoke and the Roanoke Valley; and

WHEREAS, with Roanoke being the largest City located adjacent to the Parkway, the future of Roanoke is directly linked to the continued protection, marketing, and enhancement of this important cultural, scenic, and historic resource.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Roanoke, Virginia that:

- 1. City Council supports and endorses the Blue Ridge Parkway's nomination to the Federal Highway Administration for the National Scenic Byway/All American Road program.
- 2. City Council encourages all other localities adjacent to the Blue Ridge Parkway to endorse the Blue Ridge Parkway's nomination.

	3.	The City Clerk is authorized to forward a copy of this resolution to the National					
Park Se	Park Service for inclusion in its nomination package to the Federal Highway Administration.						
		Attest:					
		City Clerk.					

Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from The Scott Robertson Memorial Fund.

represented by Tom Robertson, that the easternmost 250' of

Densmore Road, N.W., be closed by barricade.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, January 20, 2005. By a vote of 1-5 (Mr. Manetta voting for; Messrs. Butler, Chrisman, Scholz, Rife and Ms. Prince voting against; and Mr. Williams absent), the motion failed.

Background:

The petitioner requests that Densmore Road, N.W. be closed by barricade between the westernmost property lines of Official Tax Nos. 2671002 and 2670906. The petitioner plans to have the First Tee Junior Golf Program established on Official Tax No. 2670906 on Densmore Road, N.W.

The petitioner petitioned to vacate a portion of right -of-way between Official Tax Nos. 2670906 and 2671005 in July 2003. City Council approved the request in August 2003. This vacated right-of-way enabled the parcel to be combined so as to facilitate use as a golf teaching facility.

In the December hearing, Mr. Talevi advised that since the City would remain the owner of Densmore Road that it would maintain the street and assume liability. Several members of the Planning Commission voiced concern with the petition in its current form and suggested that a different solution be considered. The petitioner requested that the item be continued for one month. Four members of the Commission indicated that they did not think that gating Densmore Road was the best means of securing the petitioner's property.

Mr. Chrisman asked the petitioner if anything had changed since the previous hearing in December, to which the petitioner replied no. Mr. Rife asked staff if there were any alternatives to the request that would satisfy the petitioner's objectives. Staff stated that the best solution would be for the petitioner to vacate the subject portion of Densmore Road. Mr. Townsend said the petitioner could also fence their property line rather than barricading or vacating the right-of-way.

Mr. Butler asked staff if there was a concern that approval of this request would set a precedent, and that it put the Planning Commission in a difficult position. Staff replied that previous barricade requests were not held to the same level of scrutiny, and that the petitioner's circumstances posed a reasonable argument for the request. Mr. Butler and Mr. Chrisman both stated that the previous requests held less risk for the City.

Mrs. Prince stated that a gated fence would not be sufficient enough to prevent vandals from harming the petitioner's property. Mr. Manetta stated that the petitioner was essentially taking on the risk to their property by barricading Densmore Road, since theirs would be the only property affected by the barricade.

Considerations:

This portion of Densmore Road is adjoined by parcels zoned RS-3, Residential Single-family, High Density District. The grounds of the Roanoke Country Club surround the subject portion of right-of-way along with the parcel owned by Scott Robertson Memorial Fund, Official Tax Map Number 2670906. Westside Elementary School for the Performing and Visual Arts lies to the west.

City sewer and water serve the area. Staff received comments from Verizon, AEP and Roanoke Gas. The latter does not have any facilities in the area. Verizon and AEP both stated no objection to the request, provided a public utility easement is maintained.

The petitioner proposes to install a locked gate over the right -of-way and provide access to the Roanoke Country Club, the City, and all utility providers, as necessary. The subject portion of right-of-way does not serve any other property owner. The location of the barricade will be approximately at the

westernmost boundary of Official Tax No. 2670906 as illustrated on the attached map. The petitioner stated that the gate will allow them to secure their site and prevent the right-of-way from being used by motorists who park at that location late at night.

Recommendation:

By a vote of 1-5, the Planning Commission motion to recommend approval of the request to close the subject portion of Densmore Road, N.W. by barricade failed. The Commission felt that the applicant had other options for addressing security of the site that should be pursued, including fencing of the site parallel to the existing right-of-way or by seeking vacation of that portion of the right-of-way in its entirety.

Respectfully submitted,

Richard A. Rife, Chairman 767

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City Planning Commission

cc: Darlene L. Burcham, City Manager Rolanda Johnson, Assistant City Manager for Community Development Steven J. Talevi, Assistant City Attorney Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Petition to Close by Barricade

Application of the Scott Robertson Memorial Fund for closure by gated fence of the easternmost 250' of Densmore Road, NW.

MEMBERS OF COUNCIL:

The Scott Robertson Memorial Fund (SRM) applies to have the dead-end portion (easternmost 250') of Densmore Road, NW, permanently closed by gated fence pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This street is more particularly described on the map attached and as follows:

Densmore Road, NW, is approximately 800' long, extending easterly from Westside Boulevard to its dead-end adjacent to 3707 Densmore Road, and contiguous to the fenced western boundary of the Roanoke Country Club. The easternmost 250' of surface-treated roadway is contained within a variable right-of-way width and provides no access to the adjoining property owner, Roanoke Country Club. The structure at 3707 Densmore Road, the site of the petitioner's establishment, is the only property currently with ingress and egress from Densmore Road.

The Scott Robertson Memorial Fund states that the grounds for this application are as follows:

- 1. The only landowner who needs access to the dead-end portion of Densmore Road, NW, is SRM for its operations. For security purposes, the SRM needs to control access to its property at 3707 Densmore Road.
- 2. The SRM intends to extend the fence along the westernmost boundary of its property to connect with the existing fence on the northern boundary of the Roanoke Country Club. In making the connection of fences, the dead-end portion of Densmore Road would be enclosed within the barrier of fence. The portion of fencing crossing the Densmore roadway surface would be secured with a swing gate that would be fully open during normal operating hours of the SRM facility but closed and locked during non-operating hours.
- 3. The City of Roanoke and Roanoke Country Club would be provided keyed access to the gated fence for any emergency needs, as well as for any other needs the City or the Country Club may have.

WHEREFORE, the Scott Robertson Memorial Fund respectfully requests that the above-described street be closed by gated fence by the Council of the City of Roanoke, Virginia, in accordance with the Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

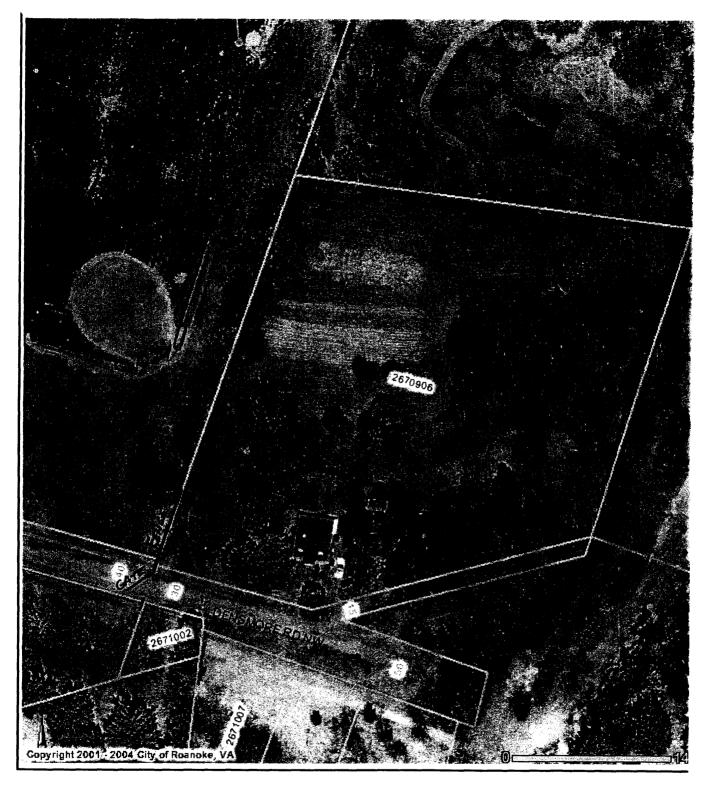
Tom Robertson

July 1, 2004

The Scott Robertson Memorial Fund 3707 Densmore Road, NW P. O. Box 33 Roanoke, VA 24002

Phone: (540) 581-0175

(540) 581-0133



BUILDING PERMITS
View Permits
Images

Informational Reference:

Application of the Scott Robertson Memorial Fund (SRM) for closure by gated fence of the easternmost 250' of Densmore Road, NW.

In support of the Petition to close by barricade is the following information concerning adjacent property owners to 3707 Densmore Road, NW. The referenced SRM property is contained within Tax Map Number 2670906.

There are two property owners adjacent to dead-end section of Densmore proposed to be barricaded by a gated fence.

Listing of Adjacent Property Owners:

	Category	Adjacent Property #1	Adjacent Property #2
1.	Adjacent Property Owner	City of Roanoke School Board	Roanoke Country Club
2.	Adjacent Property Description	Westside Boulevard Elementary School	Country Club Golf Course
3.	Adjacent Property Address	1441 Westside Boulevard	3360 Country Club Road
4.	Tax Map Number(s) adjacent to Densmore Rd.	2670901	2671001 2671002 2671005 2671007 2671008 2671009
5.	Adjacent Property Owners Mailing Address	City of Roanoke Roanoke School Board Room 250, Municipal Bldg. 215 Church Avenue Roanoke, VA 24011	Roanoke Country Club 3360 Country Club Road P. O. Box 6069 Roanoke, VA 24017-0069



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the alteration and closing by barricade of certain public rightof-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

WHEREAS, The Scott Robertson Memorial Fund filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to alter and close by barricade the public right-of-way described hereinafter;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on February 22, 2005, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closure by barricade of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no substantial inconvenience will result to any individual or to the public from altering and closing by barricade such public right-of-way, and that such alteration will promote the safety and welfare of those using the subject public right-of-way in the vicinity of the right-of-way to be closed.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

The easternmost 250' of Densmore Road, N.W.

be, and hereby is, altered and closed by way of a barricade, as described in such application.

BE IT FURTHER ORDAINED that the City Engineer be, and he is, directed to mark "Altered and Closed by Barricade" on such right-of-way on all maps and plats on file in this office on which such rights-of-way are shown, referring to the book and page of ordinances and resolutions of the Council of the City of Roanoke, Virginia, wherein this Ordinance shall be spread.

BE IT FURTHER ORDAINED that the City Clerk deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, an attested copy of this ordinance in order that such Clerk may make proper notations, if any, of the alteration and closing by barricade as described above on all maps and plats recorded in that office on which Densmore Road, N.W., appears.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from the Western Virginia Water Authority to permanently vacate, discontinue and close portions of Bennington Street, S.E., Brownlee Avenue, S.E., Kindred Street, S.E., and Underhill Avenue, S.E., as well as an alley from Kindred Street to the southeastern corner of Official Tax No. 4330721 and the northeastern corner of Official Tax No. 4330708; an alley from Bennington Street to Kindred Street between Carlisle and Brownlee Avenues; an alley from Kindred Street to a point on the southern side of Official Tax No. 4340304 and a point on the northern side of Official Tax

No. 4340316.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, January 20, 2005. By a vote of 6-0 (Mr. Williams absent), the Commission recommended approval of the requested closures.

Background:

The petitioner is requesting vacation of portions of Bennington Street, Brownlee Avenue, Kindred Street, and Underhill Avenue, S.E., and associated alleys, to allow for the expansion of the Roanoke Regional Wastewater Treatment Plant (RRWTP). The City of Roanoke and the Western Virginia Water Authority are the owners of the adjoining parcels.

Mr. Rife asked the petitioner to elaborate on the reasons for the request. The petitioner replied that vacation of the rights -of-way would allow a street to be realigned and dedicated to the City with the expansion of the RRWTP. Mr. Rife said the expansion of the RRWTP was another good example of regional cooperation between the City and Roanoke County.

Considerations:

All of the adjoining properties that the subject alleys and rights -of-way will be incorporated into are zoned LM, Light Manufacturing. South of Carlisle Avenue is a residential neighborhood zoned RM-1, Residential Multifamily, Low Density District, and to the east of the RRWTP is a vacant City -owned RS-1, Residential Single-family, Low Density District. The Roanoke River bounds the RRWTP and the subject alleys and rights-of-way to the north and west.

City sewer and water serve the area. Staff received comments from Verizon, AEP and Roanoke Gas. All three stated the need to maintain public utility easements where their facilities would be affected by the vacated alleys and streets.

Staff received no comments in opposition to this request.

Recommendation:

By a vote of 6-0, the Planning Commission recommends approval of the petitioner's request to vacate, discontinue and close the subject portions of streets and alleys, subject to the conditions listed below. The Commission further recommends that the petitioners not be charged for this property.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right -of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

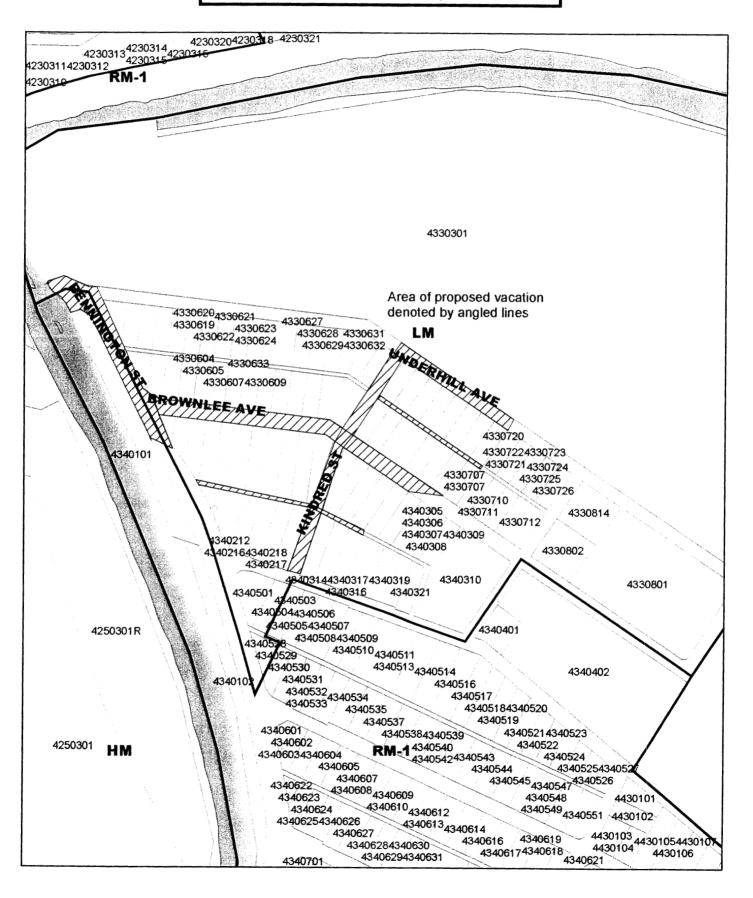
Respectfully submitted,

Richard A. Rife, Chairman

Roanoke City Planning Commission

CC: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner

Street Closures: Bennington St, Brownlee Ave, & Underhill Ave, SE



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

1st Amended

IN RE:

Application of The Western Virginia Water Authority

) APPLICATION FOR VACATING.) DISCONTINUING AND) CLOSING OF portions of

Bennington St., Brownlee Ave., Kindred St., Underhill Ave., and associated Allevs

MEMBERS OF COUNCIL:

The Western Virginia Water Authority applies to have portions of Bennington Street, Brownlee Avenue, Kindred Street, Underhill Avenue, and associated alleys south of the Roanoke Regional Wastewater Treatment Plant (RRWTP) tax map number 4330301, in the City of Roanoke, Virginia. permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2 -2006 and Section 30-14. Code of the City of Roanoke (1979), as amended. These streets and alleys are more particularly described on the plat attached and as follows:

- 1. The portion of Bennington Street between Official Tax Map Nos. 4340101 and 4330301. 4330615, 4330616, 4330601, 4340201, and Brownlee Avenue.
- 2. Brownlee Avenue from Bennington Street to a point on the southern side of Official Tax Map No. 4330707 and a point on the northern side of Official Tax Map No.4340305 (see map).
- 3. Kindred Street from Carlisle Avenue to Underhill Avenue.
- 4. Underhill Avenue from its westernmost terminus at Kindred Street to the northeastern corner of Official Tax Map No. 4330721.
- 5. Approximately 930 linear ft. of included alleys between above street closures. An alley from Kindred Street to the southeastern corner of Official Tax Map No. 4330721 and the northeastern corner of Official Tax Map No. 4330708. An alley from Bennington Street to Kindred Street between Carlisle and Brownlee Avenues. A portion of an alley from Kindred Street to a point on the southern side of Official Tax Map No. 4340304 and a point on the northeastern edge of Official Tax Map No. 4340315.

The Western Virginia Water Authority states that the grounds for this application are as follows:

The applicant desires to use the property to be vacated for realignment of public streets and expansion of RRWTP.

WHEREFORE, Western Virginia Water Authority respectfully requests that the above - described streets and alleys be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2 -2006 and Section 30-14. Code of the City of Roanoke (1979), as amended.

Respectfully submitted

Mike McEvoy 12/30/04

Mike McEvoy date

Western Virginia Water Authority 2012 South Jefferson Street Roanoke, VA 24014 Phone 853-1449

BOYNOKE AIBCIAIT FACINEERS-SURVEYORS-PLANNERS UMSDEN ASSOCIATES, P.C. MODIDANƏĞSMOR® INVIN ILIVIN B SIDB (CLZ 1065) (XVV EELDILLZ 1065) (ƏNOHA SOPROKE NIBONIE 31018 SIO: SOP 1000 WREQUESTED AVENUES 990.40 11 5001 [2] WASTEWATER TREATMENT RIGHT - OF WAY RE - ALIGNMENT VARIOUS PARCELS OF LAND STREETS, ALLEYS & LOTS NOTES: 1. SEE SHEET 1 OF 5 FOR CURVE TABLE. SITUATED ALONG BENNINGTON ST., THE ROANOKE RIVER SHOWING THE MACATION OF AND THE COMBINATION OF TRACT 1 (105.5979 AND THE DEDICATION OF CREATING HEREON NEW ROANOKE, VIRGINIA 919147 240 5631. 3 1431 PG 1284 411. 1, FG 993 3.1005 AC. LOT 20 A THE SE AND 25 107 17 , 53 28 (1.2856 AC.) 2 107 101 3 છ 28 4000000 103 S 107 15 BROWNLEE AVENUE, 10T 13 . LOT 14 . (2.3386 AC) A Commence of the Commence of BENNINGTON STREET, S.E. 107 12 LOTS 1-18, BLOCK 1 (3.5874 AC.); LOTS 1-2, 12-19, BLOCK 2 (2.2200 AC.) AND LOTS 1-8, 14-21, BLOCK 5 (2.5712 AC.) OF EASTOVER PLACE, INC. TO BE VACATED. 101 g (7) Y PREVIOUSLY NOV. 5, 1973 (1973. , roanoke river PORTION OF UNDERHILL AVE. AND ALLEY. VACATED BY ORDINANCE 1/21201, DATED 1 BY ORDINANCE 1/21236, DATED DEC. 10, 1 MERIDIAN BASED ON STATE PLANE COORDINATE SYSTEM SOUTH ZONE (1983)

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1340201 Brownlee Ave. SE City of Roanoke 215 Church Ave. SW RM 250 Roanoke VA 24011				
+34UZUZIDIOWNIEE AVE, 3E — I JUNY OI KOBNOKE — IZTO CHUICH AVE. SVV KIVI ZOU KOBNOKE VA 24011 — I				215 Church Ave. SW RM 250 Roanoke VA 24011

Tax#	Property Address	Owner Name	Owner Address
4340203	Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011
4340204	Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011
4340205	Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011
4340206	Brownlee Ave. SE	City of Roanoke	Municipal Building Roanoke VA 24011
4340207	Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011
4340208	Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011
4340209	1437 Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011
4340210	Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011
4340211	Brownlee Ave. SE	City of Roanoke	Municipal Building Roanoke VA 24011
		Western Virginia	
4330301	1402 Bennington St. SE	Water Authority	2012 S. Jefferson St. Suite 200 Roanoke VA 24014
4340101	Brownlee Ave. SE	City of Roanoke	215 Church Ave. SW RM 250 Roanoke VA 24011



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Western Virginia Water Authority filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public rights-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on February 22, 2005, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public rights-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public rights-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public rights-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

Those portions of Bennington Street between Official Tax Map Nos. 4340101 and 4330301, 4330615, 4330616, 4330601, 4340201, and Brownlee Avenue; Brownlee Avenue from Bennington Street to a point on the southern side of Official Tax Map No. 4330707, then with a chord bearing N. 82° 28' 57" W., 110.76 feet with a radius of 290° to a point on the northern side of Official Tax Map No. 4340305; Kindred Street from Carlisle Avenue to Underhill Avenue; Underhill Avenue from its westernmost terminus at Kindred Street to the northeastern corner of Official Tax Map No. 4330721; approximately 930 linear ft. of included alleys between above street closures; an alley from Kindred Street to the southeastern corner of Official Tax Map No. 4330721 and the northeastern corner of Official Tax Map No. 4330708; an alley from Bennington Street to Kindred Street between Carlisle and Brownlee Avenues; a portion of an alley from Kindred Street to a point on the southern side of Official Tax Map No. 4340304 and a point on the northeastern edge of Official Tax Map No. 4340315, as set forth in the plat dated June 11, 2004, prepared for the Roanoke Regional Wastewater Treatment Plant and attached to the Application for vacating, discontinuing and closing various rights-of-way dated November 18, 2004

be, and are hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby are, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portions of the rights-of-way, reserving however, to the City of Roanoke and any utility company or public authority, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sanitary sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public rights-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public rights-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent,

receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the rights-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the rights-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from Rockydale Quarries Corporation, represented by Maryellen F. Goodlatte, attorney, that the *Southern Hills Neighborhood Plan*, a component of *Vision 2001-2020*, the City's Comprehensive Plan, be amended to accommodate a recent boundary line adjustment and other changes in the text of the plan.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, January 20, 2005. By a vote of 6-0 (Mr. Williams absent), the Commission recommended approval of the amendment to the Southern Hills Neighborhood Plan.

Background:

A petition was filed on December 3, 2004 to amend the *Southern Hills Neighborhood Plan* in conjunction with rezoning and street closure petitions on the same date on behalf of the same petitioner.

Consideration:

Within the adopted Southern Hills Neighborhood Plan, eleven (11) parcels of land owned by Rockydale Quarries are designated as promoting future

residential development. In addition, one (1) parcel owned by the petitioner and recently brought into the jurisdictional boundaries of the City is not addressed in the neighborhood plan. In conjunction with the petitioner's filing of a rezoning petition and street vacation petition, a companion plan amendment petition was filed in order to seek amendment of the neighborhood plan to provide for the expansion of the current quarry use located on adjacent parcels.

The petitioner proposes the following seven (7) changes to the Southern Hills Neighborhood Plan:

- (1) In the Community Design section under Land Use Patterns (p.3), strike the reference to the Rockydale property west of Old Mountain Road.
- (2) On the Future Land Use map (p.4), change the designation of Tax Map No. 5380106 from a Mixed Density Residential use to an Industrial use.
- (3) On the Future Land Use map (p.4), change the designation of Tax Map Nos. 5380107, 5380108, 5380110, 5380123, 5390105, 5390106, 5390108, 5390109, 5390110, and 5390117 from Single Family Residential uses to Industrial uses.
- (4) On the Future Land Use map (p.4), designate the property recently brought into the City of Roanoke's jurisdictional boundaries, known as Tax Map No. 5380125, as an Industrial use.
- (5) In the Residential Development section under Trends and Opportunities (p.6), strike the subsection reading: "Rockydale has a 30+ acre property to the west of Old Mountain Road. A portion of the property is very steep, but a large portion may be appropriate for residential development."
- (6) On the Residential Development Opportunities map (p.7), remove the Mixed Density Residential designation on Tax Map No. 5380106 and the New Single-Family designation on Tax Map Nos. 5380107, 5380108, 5380110, 5380123, 5390106, and 5390108.
- (7) On the Economic Development Opportunities map (p.9), designate Tax Map Nos. 5380106, 5380107, 5380108, 5380110, 5380123, 5390105, 5390106, 5390108, and 5390109 as Industrial.

Staff supports the seven (7) amendments proposed for the *Southern Hills Neighborhood Plan* by the petitioner. All the proposed changes relate exclusively to properties owned by the petitioner. The parcels that would be affected by the proposed changes are the subject of the companion rezoning petition. Staff believes the suggested changes do not substantially alter the intent of the plan. On November 1, 2004, the City completed a boundary line adjustment with Roanoke County bringing 9.0240 acres of land owned by Rockydale Quarries into the City, as illustrated in Exhibit A. As mentioned above, the petitioner requests that the new parcel be designated for supporting industrial uses in the neighborhood plan.

The U.S. Route 220 corridor is noted as a gateway for the City on the Strategic Development Plan map (p.114). As a major transportation area the gateway should be attractively landscaped and should include appropriate signage to direct visitors and promote Roanoke's unique attractions (p.89). The gateway improvements in all likelihood would be a public initiative and the expansion of the quarry would not negatively impact the gateway. The submitted companion rezoning petition designates the portion of land adjacent to Route 220 as maintaining the natural wooded screening that exists today.

Staff believes this is a reasonable request to revise the recommended land use to industrial, given the companion rezoning petition limits the potential uses and many aspects of the quarry operation on the parcels. The proposed changes support an expansion of the existing use and do not attempt to increase the production on the overall site, but rather to extend the life of the quarry. In addition, there are no other industrially designated properties within the neighborhood, and possibly throughout the city, that would be a feasible and appropriate site for a unique use such as a quarry. To this end, State Code 15.2-2224 requires localities to consider mineral resources in the comprehensive planning process that are identified and surveyed by the Virginia Department of Mines, Minerals and Energy (DMME). The existing quarry and the proposed expansion area contain mineral resources identified by DMME.

The petitioner has hosted two neighborhood meetings at the New Hope Christian Church on Welcome Valley Road to discuss their expansion plans. They distributed 150 flyers advertising the meetings and both were well attended. Staff was present at the first meeting and found residents to be generally supportive of the project. Many of the issues discussed by the residents were positive endorsements of the traffic improvements proposed as part of the quarry expansion. The petitioner facilitated an information session focused toward Roanoke County residents on January 18, 2005.

Two members of the Roanoke Neighborhood Advocates group spoke in opposition to this petition. Carl Cooper, Chair of the Roanoke Neighborhood Advocates requested a 90 day continuance of the three (3) Rockydale petitions. Mr. Cooper cited that the Southern Hills Neighborhood Council received a copy of the petition with too little time to respond to staff. In addition, he stated that the process of notification for an amendment to a neighborhood plan was inadequate and attempts to establish a notification precedent without input from the affected neighborhood (see submitted comments attached). Sandra Kelly, Vice-Chair of the Neighborhood Advocates, spoke as well, encouraging the Planning Commission to continue the matters for 60 to 90 days in order to build good will with the neighborhood residents.

The Planning Commission discussion centered on the following:

- Inquiring about the City's process of notifying the Roanoke Neighborhood Advocates of rezoning petitions. Staff stated that the Housing and Neighborhood Services office is sent a draft agenda of all upcoming petitions scheduled to be heard before the Commission.
- Stating that neighborhood notification and meetings were sufficient for the request to amend the neighborhood plan because the amendments would only affect Rockydale properties, the proposed changes would not impact a large part of the neighborhood, and there is currently a wide variety of existing land uses in the community.

Recommendation:

By a vote of 6-0, the Planning Commission recommends approval of this amendment to the *Southern Hills Neighborhood Plan* as a component of *Vision 2001-2020*, the City's Comprehensive Plan, to the City Council.

Respectfully submitted,

Richard A. Rife, Chairman City Planning Commission

cc: Darlene L. Burcham, City Manager Rolanda Russell, Assistant City Manager for Community Development William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney Maryellen Goodlatte, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amending Southern Hills Neighborhood Plan to: (1) accommodate the boundary line adjustment between the City of Roanoke, Virginia, and the County of Roanoke, Virginia; and (2) make necessary changes to recognize the upcoming expansion of Rockydale Quarries Corporation.

PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, Rockydale Quarries Corporation ("Rockydale") owns a parcel of land which, until recently, was located in the County of Roanoke. Roanoke City and Roanoke County have just completed adjustments in their municipal boundaries resulting, in part, in the property described on the attached Exhibit A being added to the Roanoke City holdings of Rockydale.

By separate petition, Rockydale has requested that certain of its properties along Franklin Road, Old Rocky Mount Road, and Welcome Valley Road, including the additional acreage formerly located in Roanoke County, be rezoned to facilitate the expansion of Rockydale's mineral quarry, rather than extract the minerals on other Rockydale property on Welcome Valley Road already zoned for that purpose, but within the viewshed of the Fishburn Parkway and the Blue Ridge Parkway. That rezoning petition not only seeks the rezoning of certain of Rockydale's properties to HM (Heavy Manufacturing District), but also seeks the

down-zoning of those tracts owned by Rockydale on Welcome Valley Road now zoned HM (Heavy Manufacturing District) to RA (Residential Agricultural District).

Southern Hills Neighborhood Plan, adopted and incorporated into the *Vision* 2001-2020, the City's Comprehensive Plan by Roanoke City Council on October 15, 2002, should be amended to include the additional property of Rockydale now located within the City of Roanoke's municipal boundary and the use of said property, together with the other properties referenced above, for expansion of Rockydale's quarry.

Rockydale requests the following amendments be made to the Southern Hills Neighborhood Plan:

- (1) In the Community Design section under Land Use Patterns (p. 3), strike the reference to the Rockydale property west of Old Mountain Road.
- (2) On the Future Land Use map (p. 4), change the designation of Tax Map No. 5380106 from a Mixed Density Residential use to an Industrial use.
- (3) On the Future Land Use map (p. 4), change the designation of Tax Map Nos. 5380107, 5380108, 5380110, 5380123, 5390105, 5390106, 5390108, 5390109, 5390110, and 5390117 from Single Family Residential uses to Industrial uses.
- (4) On the Future Land Use map (p. 4), designate the property recently brought into the City of Roanoke's territorial jurisdiction, known as Tax Map No. 5380125, as an Industrial use.

- (5) In the Residential Development section under Trends and Opportunities (p. 6), strike the subsection reading: "Rockydale has a 30+ acre property to the west of Old Mountain Road. A portion of the property is very steep, but a large portion may be appropriate for residential development."
- (6) On the Residential Development Opportunities map (p. 7), remove the Mixed Density Residential designation on Tax Map No. 5380106 and the New Single-Family designation on Tax Map Nos. 5380107, 5380108, 5380110, 5380123, 5390106, and 5390108.
- (7) On the Economic Development Opportunities map (p. 9), designate Tax Map Nos. 5380106, 5380107, 5380108, 5380110, 5380123, 5390105, 5390106, 5390108, and 5390109 as Industrial.

This Petition is respectfully submitted this and day of December, 2004.

Respectfully submitted,

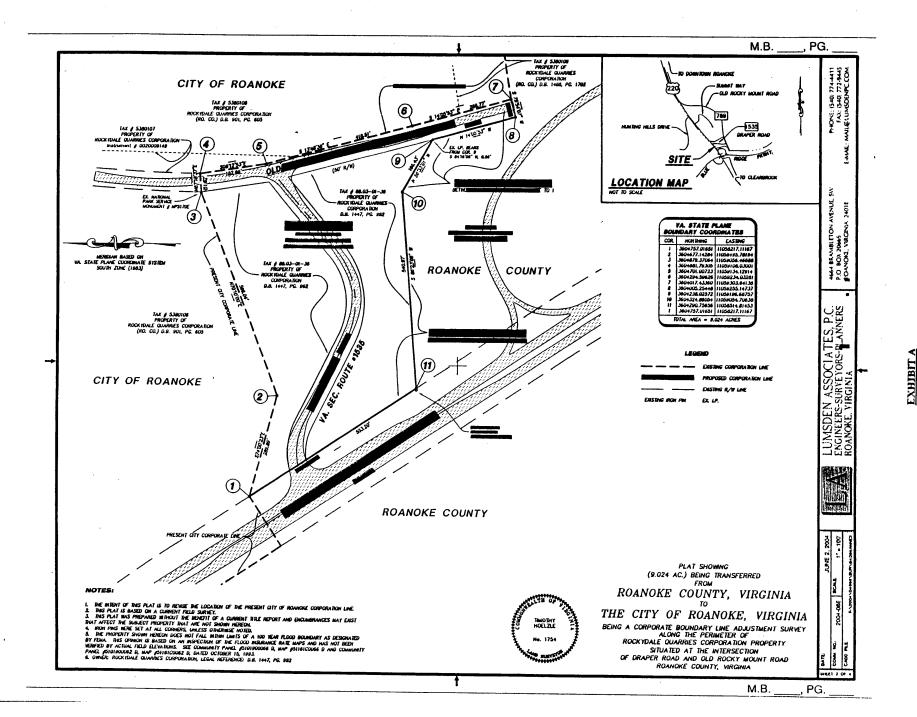
Rockydale Quarries Corporation

By: Mayellan F. Hoodlattle
Of Counsel

Maryellen F. Goodlatte, Esq. Glenn, Feldmann, Darby & Goodlatte 210 1st Street, S.W., Suite 200 P. O. Box 2887 Roanoke, Virginia 24001-2887 (540) 224-8018 - Telephone (540) 224-8050 - Facsimile Rockydale Quarries Corporation, a Virginia corporation, owner of the property subject to this petition hereby consents to this petition to amend the Southern Hills Neighborhood Plan.

ROCKYDALE QUARRIES CORPORATION

S: Done





IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the amendment of the Southern Hills Neighborhood Plan, and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan, to reflect the amendment of the Southern Hills Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, by Resolution No. 36110-101502, City Council adopted the Southern Hills Neighborhood Plan (the "Plan") and amended <u>Vision 2001 – 2020</u>, the City's Comprehensive Plan, to include such Plan;

WHEREAS, in an application filed with City Council on December 2, 2004, Rockydale Quarries Corporation requested that the Plan be amended;

WHEREAS, the request to amend the Plan was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on January 20, 2005, and recommended that the Plan be amended; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Tuesday, February 22, 2005, on the proposed amendment of the Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. That this Council hereby approves the amendment of the Southern Hills Neighborhood Plan and amends the Southern Hills Neighborhood Plan accordingly.
- 2. That this Council hereby approves the amendment of Vision 2001-2020 and amends Vision 2001-2020 accordingly.

3.	That the City Clerk is directed to forthwith transmit attested copies of this ordinance
to the City Plan	nning Commission.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Architectural Review Board Board of Zoning Appeals

Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from Rockydale Quarries Corporation, represented by Maryellen F. Goodlatte, attorney, that properties located on Franklin Road, S.W., Old Rocky Mount Road, S.W., Welcome Valley Road, S.W., and Van Winkle Road, S.W., bearing Official Tax Nos. 5380106, 5380107, 5380108, 5380123, and 5380110, zoned C-1. Office District: Official Tax No. 5380125, RS-1, Residential Single Family District; Official Tax Nos. 5390110, 5390117, 5390109, 5390108, 5390106, and 5390105, zoned RS-3 Residential Single Family District, be rezoned to HM, Heavy Manufacturing; and Official Tax Nos. 4530202, 4530203, 4530205, zoned HM, Heavy Manufacturing District, be rezoned to RA, Residential Agricultural District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, January 20, 2006. By a vote of 6-0 (Mr. Williams absent), the Commission recommended approval of the requested rezoning of the First Amended Petition.

Background:

A petition was filed on December 3, 2004, for a change of zoning on twelve (12) parcels consisting of approximately 53.1 acres from C-1, Office, RS-1, Residential Single Family, and RS-3, Residential Single Family to HM, Heavy Manufacturing, and for a change of zoning on three (3) parcels consisting of approximately 9.3 acres from HM to RA, Residential Agricultural. The rezoning petition is one of three companion petitions being filed. The two other petitions are an amendment to the *Southern Hills Neighborhood Plan* and a vacation of Draper Road and portions of Old Rocky Mount Road and Welcome Valley Road. A First Amended Petition, dated January 28, 2005, was approved by the Planning Commission at the public hearing on January 20, 2005. The one (1) change is the addition of a proffer stating the petitioner will commit to a conservation easement for the three (3) parcels proposed to be rezoned to RA, Residential Agricultural.

Consideration:

The land uses and zoning districts surrounding the twelve (12) subject parcels proposed to be rezoned to HM, Heavy Manufacturing include:

- To the northwest from U.S. Route 220 to Old Rocky Mount Road is a C-1, Office district. Adjacent uses include a contractor's office, a water tower, a multifamily development, and single family dwellings.
- To the northeast from Old Rocky Mount Road to Welcome Valley Road is a RS-3, Residential Single Family district. Adjacent uses to the subject parcels include the New Hope Christian Church and single family dwellings.
- To the east and southeast is a HM, Heavy Manufacturing district which includes Draper Paving Company and parcels owned by Rockydale Quarries.
- To the south is the Blue Ridge Parkway in Roanoke County.
- To the southwest across U.S. Route 220 are single family dwellings in Roanoke County.

The land uses which surround the three (3) subject parcels proposed to be rezoned to RA, Residential Agricultural are:

- Within the same HM, Heavy Manufacturing zoning district are three

 (3) smaller parcels consisting of two (2) single family dwellings and
 a cemetery. These parcels are not owned by the petitioner and not
 subject to the rezoning request.
- Other adjacent parcels along Welcome Valley Road contain single family dwellings zoned RS-3, Residential Single Family district.

 South of the subject parcels, across the Mill Mountain Spur, are parcels associated with the quarry operation zoned HM, Heavy Manufacturing.

The proposed rezoning of the subject parcels is consistent with following actions of *Vision 2001-2020*, the City's Comprehensive Plan:

Roanoke will protect the steep slopes, ridge tops, and view sheds within the City as important environmental and scenic resources and will cooperate regionally to protect such resources located outside of the City (EC P3).

Protect Blue Ridge Parkway corridors adjacent to City limits through coordination with adjacent localities and careful planning (EC A12).

This industrial center, comprised of Rockydale Quarry and two adjacent related businesses, is distinct from underutilized industrial sites addressed in the comprehensive plan (p.58). Expansion of the quarry at its current location is supported by the unique and valuable mineral resources contained on the site, and its excellent access to U.S. Route 220, an important transportation corridor. *Vision 2001-2020* encourages the expansion of new economic opportunities, but equally important is to consider the expansion of a unique use that has location specific characteristics not found in other areas of the City.

The Southern Hills Neighborhood Plan, adopted in October 2002, encourages residential uses on the subject parcels. A companion petition to amend the neighborhood plan filed by the petitioner proposes amendments to the plan to ensure consistency between the desired expansion of the existing use and policies and actions contained in the plan.

Staff believes that potential visual and acoustical impact of the quarry expansion has been adequately studied and addressed by the petitioner. As detailed on the proffered site plan (Exhibit B), a continuous, vegetated ten (10) foot high berm along the edge of the excavated pit of the expansion will be provided. A sample drawing of a ten (10) foot berm section is provided on Exhibit J-1. The selection of trees, grasses, and groundcovers will be chosen in accordance with the Virginia Department of Mines, Minerals and Energy (DMME), in order to stabilize the berm and also serving as a screening function.

In an effort to further mitigate visual impacts of the proposed quarry expansion, the petitioner hired Hill Studio to conduct the Rockydale Quarries Expansion Visual Quality Analysis, revised November 11, 2004.

The report uses a geospacial analysis and visual simulation analysis to study the effects of the proposed quarry expansion on the visual quality of the surrounding areas. Recommendations resulting from the study are reflected in the petition's proffered conditions. For example, an overburden area proposed to be located southwest of the Old Rocky Mount Road and Welcome Valley Road intersection will provide greater view mitigation of the excavated high-wall from neighboring vistas than the berm alone.

In accordance with proffer #7 in the petition (p.7), full scale production on the subject parcels will not begin until all necessary erosion and sediment controls, vegetated berm, and perimeter fence are in place. Timeline maps set at 5-year intervals over the estimated 20-year expansion period are attached as Exhibits E,F,G,and H. Overburden areas will increase in size as the excavation progresses.

Although the quarry operates primarily during normal business hours, some automatic machinery runs through the night. The petitioner proffers not to place permanent processing equipment on HM, Heavy Manufacturing property subject to the rezoning. In addition, the blasting operations and normal quarry production on the subject properties will be restricted to regular business hours. Petitioner worked with staff to provide proffer language that allows flexibility to utilize the extended portion of the quarry in the case of public emergency or failure of infrastructure (such as roads). Staff believes the proffer sets adequate parameters to ensure normal operating hours will not be extended simply to meet a typical rise in demand for product. The restrictions to the operations of the quarry would apply strictly to the subject parcels of this petition and not to the operation of the existing quarry.

The petitioner proffers to limit ground vibration from blasting to one-half of the limits allowable under current Virginia Department of Mines, Minerals and Energy (DMME) regulations. State Code (4 VAC 25-40-860) provides for greater allowable limits the further the distance from the nearest inhabited building (Exhibit 1).

Tax Map Nos. 5390110, 5390117, 5390109, 5390108, 5390106, and 5390105 (zoned RS-3 Residential Single Family District) are located on the northeast corner of Old Rocky Mount Road and Welcome Valley Road. These six (6) parcels are shown on the proffered HM Development Plan (Exhibit B) to be used for an existing sediment basin and two (2) overburden areas. This area will not be used for the extraction of rocks or any other quarry activity. Overburden areas will be tiered and set back from the corner in order not to inhibit the sight distance triangle for vehicular traffic.

The petitioner estimates the proposed expansion of the excavated area of the quarry will extend the life of production to 40 years. State Code requires the quarry owner to develop a reclamation and revegetation plan of the site after operations are complete. Virginia Department of Mines, Minerals and Energy (DMME) emphasizes the importance of the community's interest in a productive reuse of the land (Mineral Mine Operators Manual, 6.1, 1/31/97).

The petitioner proposes to rezone 9.3 acres of land located on the east side of the Mill Mountain spur along Welcome Valley Road from HM, Heavy Manufacturing to RA, Residential Agricultural. This land is pastoral, disconnected from the existing quarry by the Parkway Spur, and is predominantly featured from the Gum Springs Overlook located on the Mill Mountain Spur. The petitioner continues to work with the National Park Service to enhance view sheds of the Blue Ridge Parkway and Mill Mountain Spur by preserving pastoral land and mitigating view exposure to the quarry operations.

The petitioner has hosted two neighborhood meetings at the New Hope Christian Church on Welcome Valley Road to discuss their expansion plans. They distributed 150 flyers advertising the meetings and both were well attended. Staff was present at the first meeting and found residents to be generally supportive of the project. Many of the issues discussed by the residents were positive endorsements of the traffic improvements proposed as part of the quarry expansion. The petitioner had an information session to address Roanoke County residents on January 18, 2005.

Thirteen (13) individuals spoke in reference to the rezoning petition during the public hearing:

- Mr. David Derrow (4117 Welcome Valley Road) supports Rockydale's plans. He said as a pastor of New Hope Christian Church (4229 Welcome Valley Road), Rockydale had addressed all the church's concerns. The church favors the proposed plans instead of the potential of expanding the quarry on the three (3) currently zoned HM, Heavy Manufacturing properties (proposed to be rezoned to RA, Residential Agricultural) located off of Welcome Valley Road.
- Mr. Terry Walker (2358 Highway 66, Kernersville, NC 27284) stated he worked for Plantation Pipeline and had concerns about the proximity of the pipeline to the expanding quarry pit and any blasting activity.

- Mr. Kenny Baliles (Kinder-Morgan's Roanoke Office) is the area serviceman for the Plantation Pipeline and said their office had not been notified of the petitions.
- Mr. Erick Humphrey (3251 Ellsworth Street), manager of the Summit Apartments and Mr. Compton Bittle (1831 Mount Vernon Road), of Osterhoudt, Prillaman, Natt, Helscher, Yost, Maxwell, and Ferguson spoke on behalf of the owners of Summit Apartments. Mr. Bittle asked for a request of continuance for 60 days to allow enough time for his client to provide an independent analysis of the quarry expansion. Mr. Humphrey provided the Commission with a list of engineers they have attempted to contact to perform an independent analysis. In addition, he provided information on a 911 call from a Summit Apartment resident who thought an earthquake had occurred.
- Mr. Travis Doss, an employee at the Summit, stated he felt a blast from the quarry while he was on the roof of one of the buildings.
- Mr. Gary Johnson, (Blue Ridge Parkway, Asheville headquarters, 199 Hemphill Knob, Asheville, NC 28803) said that the Blue Ridge Parkway supported the project and was very appreciative of being involved in the early planning of the project.
- Mr. Roger Holnback (2302 Stanley Avenue) is the Executive Director of the Western Virginia Land Trust. He said that he fully supported the efforts and the mitigation efforts were an example of business people doing the right thing.
- Mr. George Brammer (5129 Falcon Ridge Road) said that the Hunting Hills Homeowners Organization had not been notified about the project and asked that the matter be delayed in order to notify the residents that will be affected by the quarry expansion.
- Mr. Tracy Giles (3450 West Ridge Road) stated that he lived in the Summit Apartments for a year and did not know the quarry existed. He never experienced dust, noise, or vibration problems and there had been no impact on him at all.
- Mr. Nick Ammar (1100 BB&T Bank Building) of Wetherington, Melchionna, Terry, Day, and Ammar appeared on behalf of his client, S.R. Draper Paving Company. He stated his client was asking for a 60 day continuance in order for Rockydale to consider alternatives that would not remove the access to Draper Road for Draper Paving Company customers.
- Rockie Sluss (4531 Old Rocky Mount Road) supports the project and said the reduction in truck traffic would be beneficial to everyone in the neighborhood. He stated he had heard one blast in the four years he lived on Old Rocky Mount Road, otherwise he wouldn't know Rockydale was there.
- Regina Sluss (4531 Old Rocky Mount Road) stated she had to pull her deaf child out of the pathway of a speeding dump truck and that

the situation on the street is dangerous. She supports Rockydale's expansion plans and related changes to street patterns.

The Planning Commission discussion centered on the following:

- A question to staff if the petitioner had proffered the conservation easement on the three (3) parcels proposed to be rezoned to RA, Residential Agricultural. Staff reported it was not. At that time, the petitioner volunteered to amend the petition to include the conservation easement and is reflected as proffer #4 on the First Amended Petition.
- A number of speakers requested that the Commission continue the matter for 60-90 days to allow more time for discussion of Rockydale's plans. The Commission felt that the applicant had made sufficient efforts with adjacent property owners to discuss the proposal before the petitions were ever filed and further continuances were not warranted.

Recommendation:

By a vote of 6-0, the Commission recommends approval of the requested rezoning. With its associated proffers, the petition is a reasonable request to rezone the subject parcels for the long term expansion of the quarry facility, and the protection of views and land uses immediately adjacent to the Mill Mountain Spur of the Blue Ridge Parkway.

Respectfully submitted,

Richard A. Rife, Chairman City Planning Commission

Rechard a. Refer

cc: Darlene L. Burcham, City Manager Rolanda Russell, Assistant City Manager for Community Development William M. Hackworth, City Attorney Maryellen Goodlatte, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning 62.4277 acres consisting of fifteen (15) tracts of land lying and being in the City of Roanoke, Virginia, along Franklin Road, Old Rocky Mount Road, Welcome Valley Road and Van Winkle Road and briefly described as:

Tax Parcel No.	Address	Current Zoning	Requested Zoning	<u>Acreage</u>
5380106	Franklin Road	C-1	НМ	28.9030
5380125	Franklin Road	RS-1	HM	9.0240
5380107	4659 Old Rocky Mount Road	C-1	HM	1.00
5380108	4643 Old Rocky Mount Road	C-1	HM	.4197
5380123	4639 Old Rocky Mount Road	C-1	HM	.4526
5380110	4555 Old Rocky Mount Road	C-1	$\mathbf{H}\mathbf{M}$	5.1727
5390110	4259 Welcome Valley Road	RS-3	$\mathbf{H}\mathbf{M}$	1.4678
5390117	Old Rocky Mount Road	RS-3	$\mathbf{H}\mathbf{M}$	2.1127
5390109	Old Rocky Mount Road	RS-3	HM	1.4003
5390108	Old Rocky Mount Road	RS-3	$\mathbf{H}\mathbf{M}$	1.8328
5390106	4628 Old Rocky Mount Road	RS-3	$\mathbf{H}\mathbf{M}$	1.0089
5390105	Van Winkle Road	RS-3	$\mathbf{H}\mathbf{M}$.1099
4530202	Welcome Valley Road	HM	RA	1.4543
4530203	4134 Welcome Valley Road	HM	RA	4.1852
4530205	4096 Welcome Valley Road	$\mathbf{H}\mathbf{M}$	RA	3.8838

from C-1 (Office District), RS-1 (Residential Single-Family District), RS-3 (Residential Single-Family District), and HM (Heavy Manufacturing District) as noted above together with vacated streets to HM (Heavy Manufacturing District) (52.9044 acres) and RA (Residential Agricultural District) (9.5233 acres) as noted above, and such rezoning to be subject to certain conditions.

AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, Rockydale Quarries Corporation ("Rockydale") owns all the properties which are the subject of this rezoning petition.

Said tracts are currently zoned either C-1 (Office District), RS-1 (Residential Single-Family District), RS-3 (Residential Single-Family District) or HM (Heavy Manufacturing District), as individually identified above. A map of the properties to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, Rockydale requests that the following properties be rezoned from their present zoning districts as noted above to HM (Heavy Manufacturing District): 5380106, 5380125, 5380107, 5380108, 5380123, 5380110, 5390110, 5390117, 5390109, 5390108, 5390106, and 5390105 (the "HM Property"). Rockydale further requests that the following properties be rezoned from HM (Heavy Manufacturing District) to RA (Residential Agricultural District): 4530202, 4530203, and 4530205 (the "RA Property"). Such rezonings shall, however, be subject to certain conditions set forth below for the purpose of facilitating the expansion of Rockydale while protecting, through buffering and the down-zoning of those parcels already zoned HM (Heavy Manufacturing District), the adjoining properties.

The concept plan prepared by Lumsden Associates, P.C., dated November 22, 2004, and attached hereto as Exhibit B (the "HM Development Plan") shows the proposed use of the HM Property. The concept plan prepared by Lumsden Associates, P.C., dated July 26, 2004, and attached hereto as Exhibit C (the "RA Development Plan") shows the use of the RA Property. A master plan prepared by Lumsden Associates, P.C., dated November 22, 2004 and attached hereto as Exhibit D (the Master Plan) shows all of the properties which comprise Rockydale Quarries, including those already zoned HM which zoning designation will not change.

Since 1943, Rockydale has operated a quarry on a south facing limestone slope of the Blue Ridge Mountains. The site creates employment for 52 people and yields various types of sand and stone for construction and agricultural purposes (including base stone for roads, manufacture of asphalt, concrete, cinderblock, precast, erosion control, landscaping, lawn and garden, buildings, brick manufacture, roofing, fertilizer manufacture, smelting, septic and sewer systems, etc.). Over those years, Rockydale has seen many changes to the area. These include the expansion of the City of Roanoke boundary, including the 2004 boundary line adjustment (resulting in all of the properties comprising the Rockydale Quarries site being entirely located within the jurisdictional boundaries of the City of Roanoke), upgrading of U.S. 220 to the quarry's west border, the addition of the Blue Ridge Parkway along the quarry's south border, and the building of the Fishburn Parkway through its lands. Rockydale currently has 120 acres zoned and under permit for mining. Of this acreage, approximately 112 acres are disturbed. Since Rockydale first began production, it is estimated that over 50 million tons of rock has been excavated from the site. At the present production rate of 1.2 million tons per year, the reserves of the currently zoned site will be depleted in approximately 20 years. By expanding the excavated area of the quarry by approximately 35%, the life of the quarry is projected to double to 40 years, without any increased intensity of operations. Rockydale, the only active mine site in Roanoke City and Roanoke County, will be able to continue to produce the raw materials required by the Roanoke market.

Rockydale is regulated by a host of state and federal agencies including the Virginia Department of Mines, Minerals and Energy (DMME), the U.S. Mine Safety and Health

Administration (MSHA), the Virginia Department of Environmental Quality, the Bureau of Alcohol, Tobacco and Firearms, and the Environmental Protection Agency.

The approximate limits of the quarry pit over the next 20 years are illustrated on maps attached as Exhibits E (after 1 year), F (after 5 years), G (after 10 years) and H (after 20 years). The quarry pit boundaries will be extended to the northwest, eventually involving approximately 35 additional acres of land (the quarry pit extension being located within tax parcel number 5380106, 5380107 and 5380125). This will necessitate a number of secondary actions, including the addition of new sediment basins, additional stockpile in overburden areas, relocation of the quarry office, scale house and utilities, realignment of a short segment of Welcome Valley Road, signalization of Old Rocky Mount Road at the Outback Steakhouse restaurant, the vacation of a portion of Old Rocky Mount Road (south of tax parcel number 5370106) and the vacation of Draper Road. The vacation of Draper Road, and portions of Old Rocky Mount Road and Welcome Valley Road is requested in a companion petition filed this day.

Also filed this day is a request to amend the Southern Hills Neighborhood Plan, which has been incorporated into Vision 2001-2020, the City's Comprehensive Plan. The just completed boundary line adjustment between Roanoke City and Roanoke County brought tax parcel number 5380125 zoned RS-1 (Residential Single-Family District) within the jurisdictional boundaries of the City of Roanoke. This additional acreage, now part of the City of Roanoke, needs to be incorporated into the Southern Hills Neighborhood Plan as does the recognition of Rockydale's expansion. Rather than utilizing those portions of Rockydale's

property already zoned HM (Heavy Manufacturing District) for new mining activity (i.e. tax parcels number 4530202, 4530203, and 4530205 located along Welcome Valley Road) Rockydale believes that all interests are better served by expanding the quarry's operations westward rather than northeastward. Expanding westward permits Rockydale to down-zone those parcels along Welcome Valley Road (tax parcels number 4530202, 4530203, and 4530205) in order to retain their pastoral character for not only the neighbors but for all those traveling along the Blue Ridge Parkway and the Fishburn Parkway, which overlooks tax parcels number 4530202, 4530203, and 4530205. Additionally, Rockydale intends to place a conservation easement on said properties to provide further protection for said parcels beyond that afforded by zoning. Rockydale believes that utilizing tax parcel number 5380106, 5380107 and 5380125 for the expansion of its quarry pit with tax parcels number 5380108, 5380123, 5380110, 5390110, 5390117, 5390109, 5390108, 5390106, and 5390105 being used to support said quarry expansion, coupled with the down-zoning of tax parcels number 4530202, 4530203, and 4530205 will further the intent and purposes of the City's zoning ordinance and its Comprehensive Plan.

Rockydale hereby proffers and agrees that if these said tracts are rezoned as requested, that the rezoning will be subject to, and that it will abide by, the following conditions:

1. The properties being rezoned from RS-1 (Residential Single-Family District), C-1 (Office District), and RS-3 (Residential Single-Family District) to HM (Heavy Manufacturing District) (the "HM Property") will be developed in substantial conformity with the HM Development Plan prepared by Lumsden Associates, P.C., dated November 22, 2004, a

copy of which is attached to this petition as Exhibit B, subject to any changes required by the City and subject to changes required by federal or state agencies having regulatory control over Rockydale including the Virginia Department of Mines, Minerals and Energy.

- 2. The property to be rezoned from HM (Heavy Manufacturing District) to RA (Residential Agricultural District) (the "RA Property") will be developed in substantial conformity with the RA Development Plan prepared by Lumsden Associates, P.C., dated July 26, 2004, a copy of which is attached to this petition as Exhibit C.
- 3. The RA Property will not be further developed but shall remain pastoral. This will not, however, prevent the construction of a barn or other facilities needed to properly care for the horses located on the RA Property. To that end, the only permitted uses which shall be allowed on the RA Property shall be (a) single family detached dwellings and (b) stables which are accessory to a single family detached dwelling provided a minimum of two (2) acres is provided for each horse in the stable.
- 4. By February 22, 2010, Rockydale shall place a conservation easement on the RA Property upon terms acceptable to either the Western Virginia Land Trust or the Blue Ridge Parkway.
 - 5. No permanent processing equipment will be placed on the HM Property.
- 6. Blasting operations on the HM Property will be carried out no earlier than 9:00 a.m. and no later than 4:00 p.m. Monday through Friday (except that where federal or state safety rules dictate that blasting scheduled prior to 4:00 p.m. be completed after 4:00 p.m., the 4:00 p.m. deadline shall be extended in order to comply with safety regulations). Normal

quarry production on the HM Property will occur between 7:00 a.m. to 6:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 noon Saturday. In the event, however, that a public emergency or the failure of road, railroad, dam or similar infrastructure requires emergency repair(s), blasting operations and quarry production on the HM Property may be extended to meet the requirements associated with said emergency.

- 7. In its operations on the HM Property, Rockydale will limit ground vibration from blasting for all shots to one-half of the limits allowable under current Virginia Department of Mines, Minerals and Energy regulations or the regulations of its successor agency, a copy of which regulations are attached hereto as Exhibit I.
- 8. Earthen berms will be constructed, vegetated and planted with trees for visual and acoustical mitigation as shown on the Rockydale Quarry Expansion Planting Areas plan ("HM Landscape Plan") prepared by Hill Studio, dated December 1, 2004, a copy of which is attached to this petition as Exhibit J-1, J-2, and J-3 subject to any changes required by federal or state agencies having regulatory control over Rockydale including the Virginia Department of Mines, Minerals and Energy. No full scale production on the HM Property will occur prior to establishment of all necessary sediment and erosion control structures, placement of screening berms with their associated stabilization as shown on the HM Landscape Plan, and the erection of a perimeter fence around the proposed quarry pit. To allow sufficient time for trees to mature, minerals on the northeasterly side of the slope to be quarried shall be extracted in general conformity with the timelines illustrated on maps attached as Exhibits E, F, G, and H.

9. A wheel wash station will be located so as to require all loaded vehicles to pass through it before entering onto public roads.

By separate application, Rockydale has requested that Draper Road and portions of Old Rocky Mount Road and Welcome Valley Road be vacated, discontinued and closed. Rockydale requests that the portions of said roads for which vacation is sought be also zoned HM (Heavy Manufacturing District) subject to all the conditions hereinabove proffered.

Attached as Exhibit K are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent thereto, immediately across a street or road from the property to be rezoned.

WHEREFORE, Rockydale Quarries Corporation requests that the above-described tracts be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 2812 day of January, 2005.

Respectfully submitted,

Rockydale Quarries Corporation

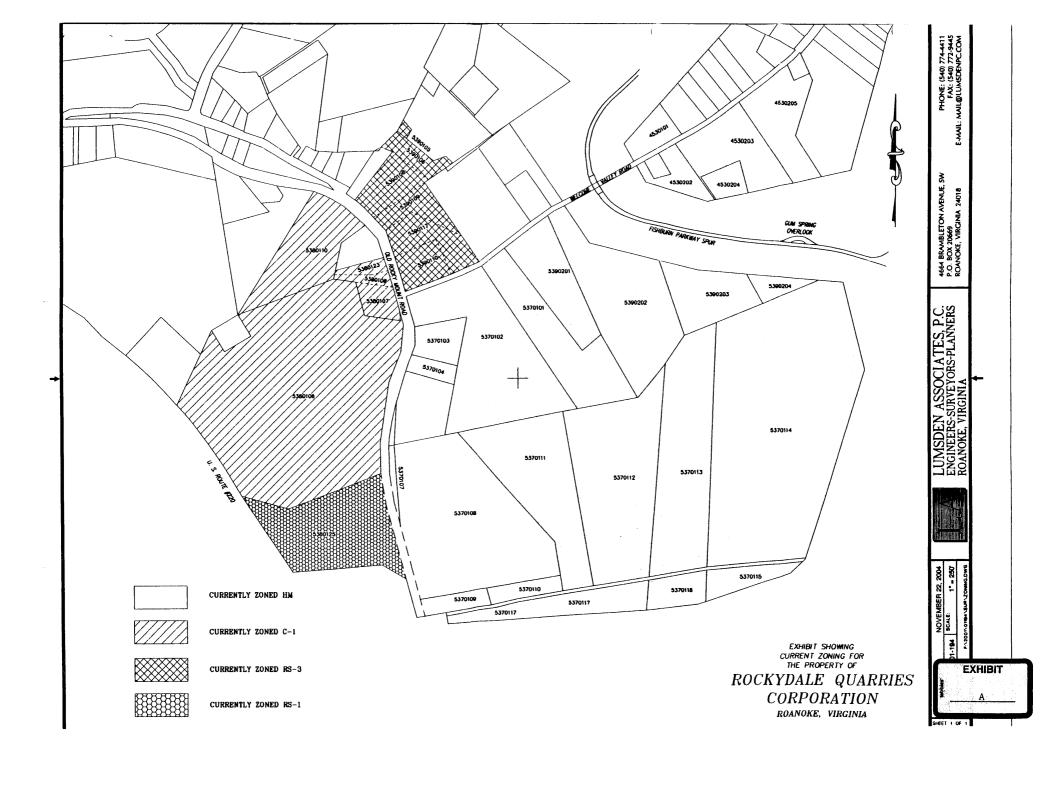
By: Jun F. Modlatti
of Counsel

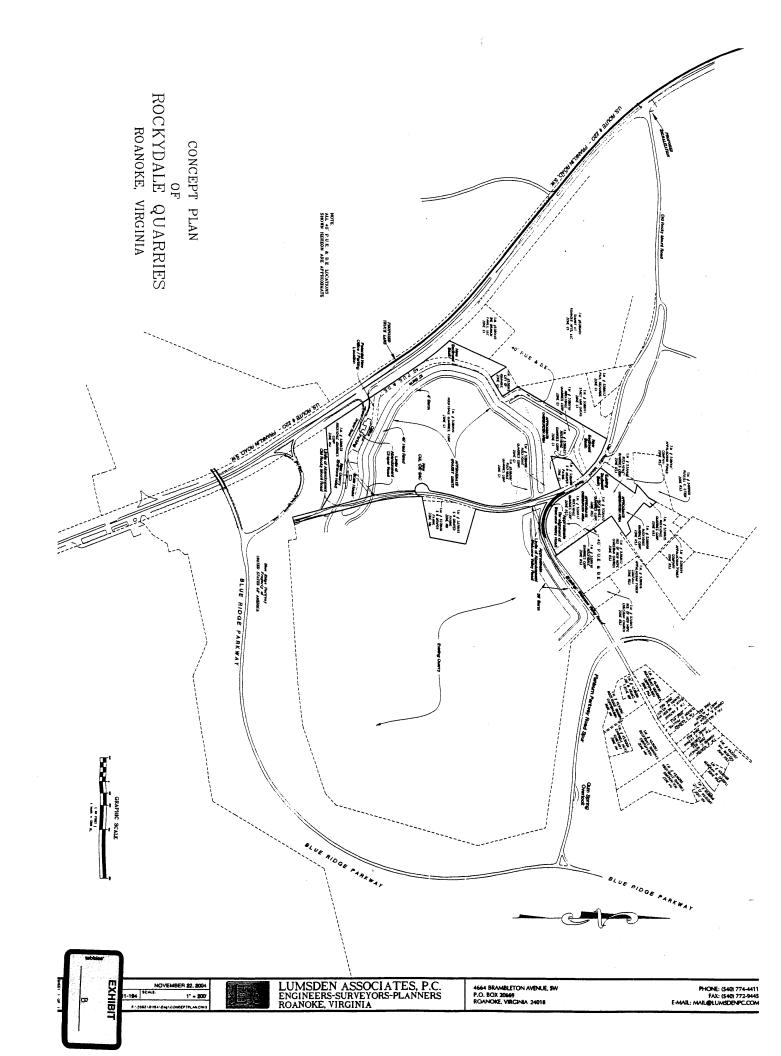
Maryellen F. Goodlatte, Esq. Glenn, Feldmann, Darby & Goodlatte 210 1st Street, S.W., Suite 200 P. O. Box 2887 Roanoke, Virginia 24001-2887 (540) 224-8018 - Telephone (540) 224-8050 - Facsimile

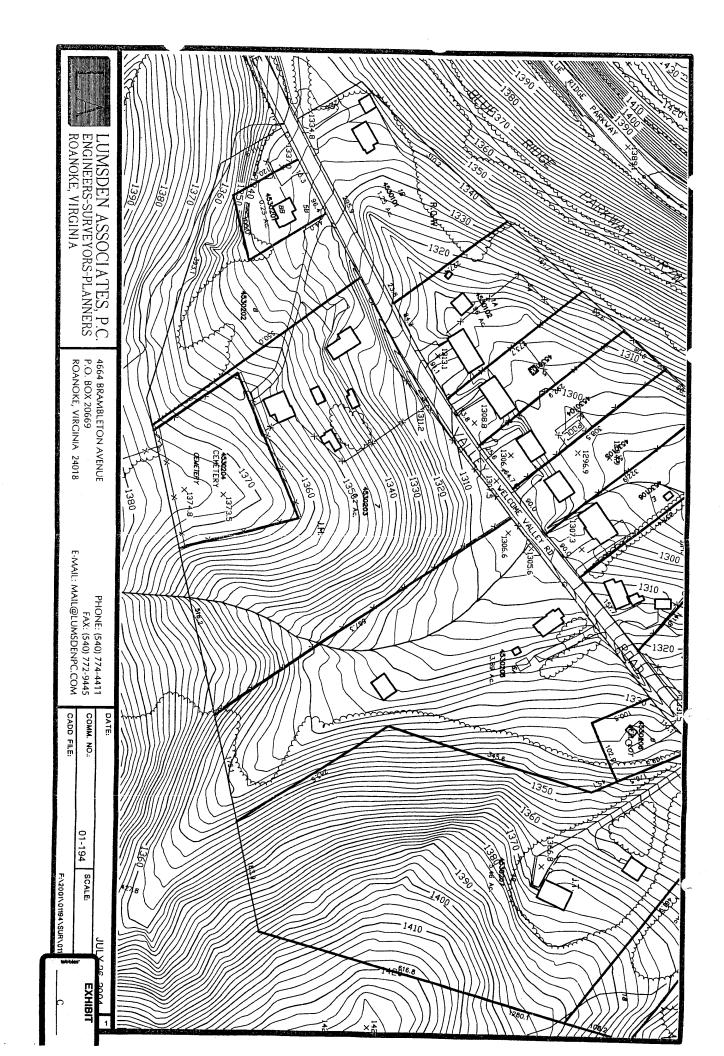
Rockydale Quarries Corporation, a Virginia corporation, owner of the property subject to this petition, hereby consents to this amended petition, including the voluntary proffers contained herein.

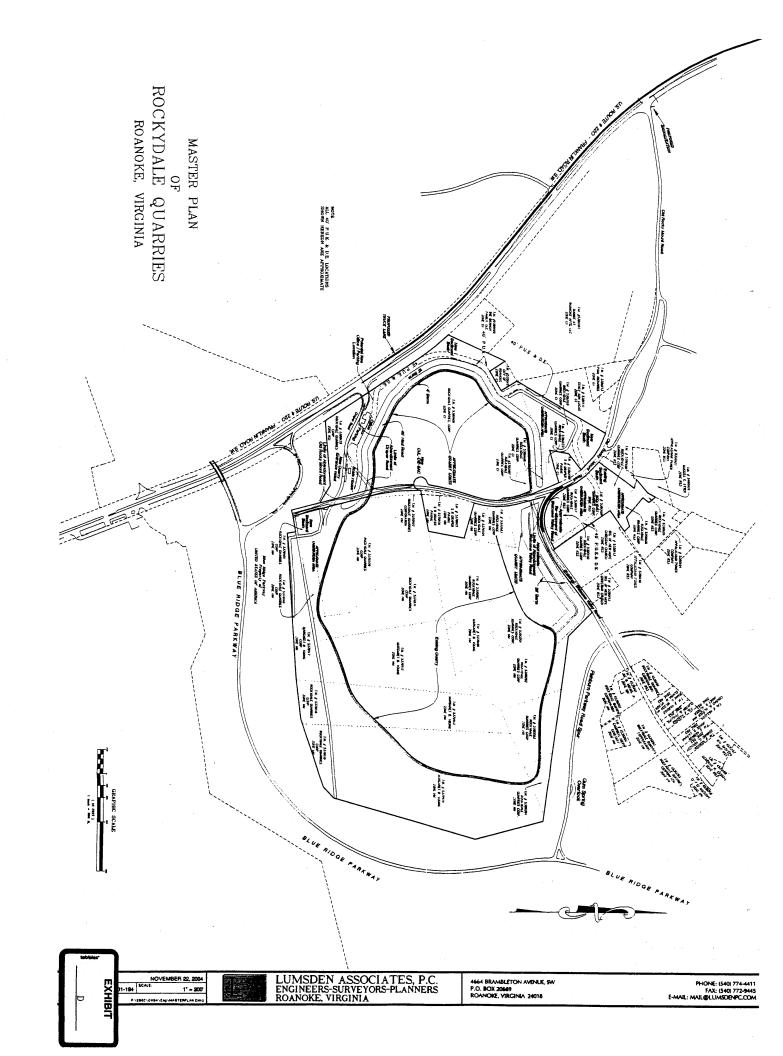
ROCKYDALE QUARRIES CORPORATION

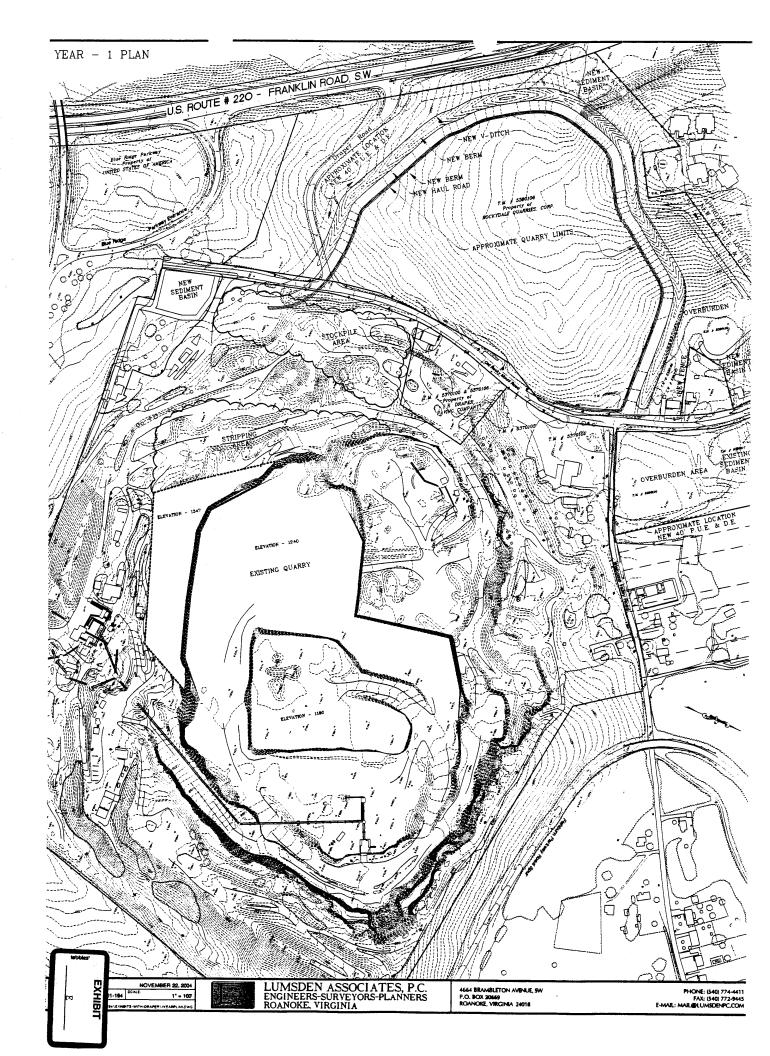
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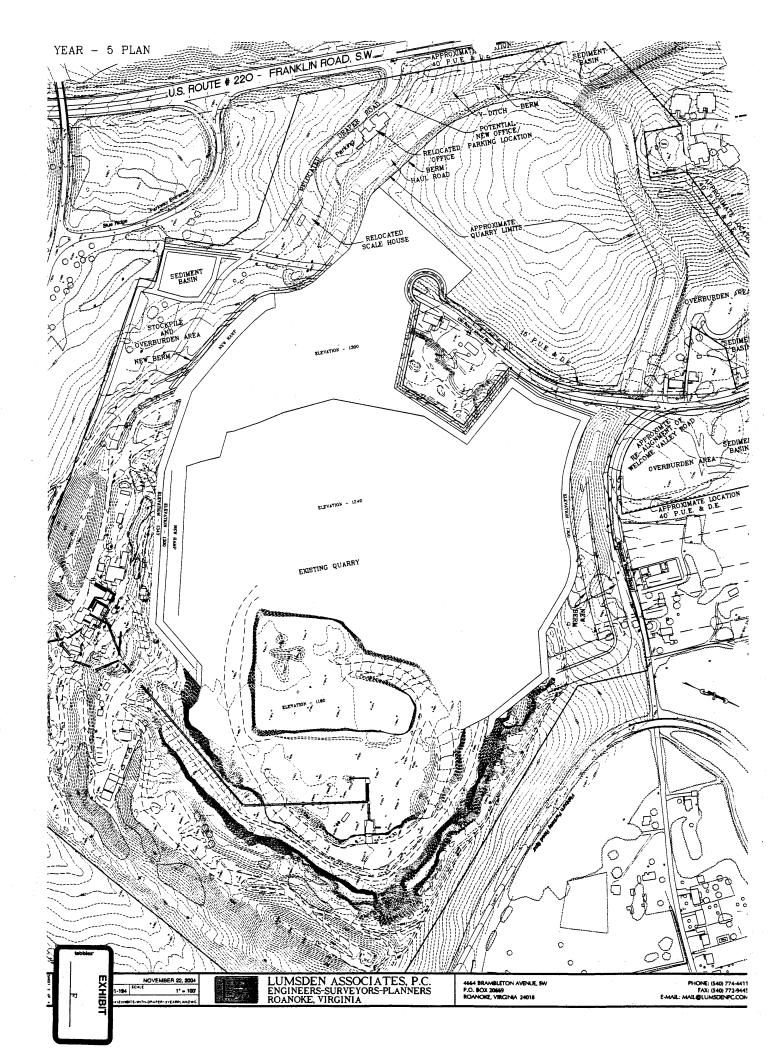


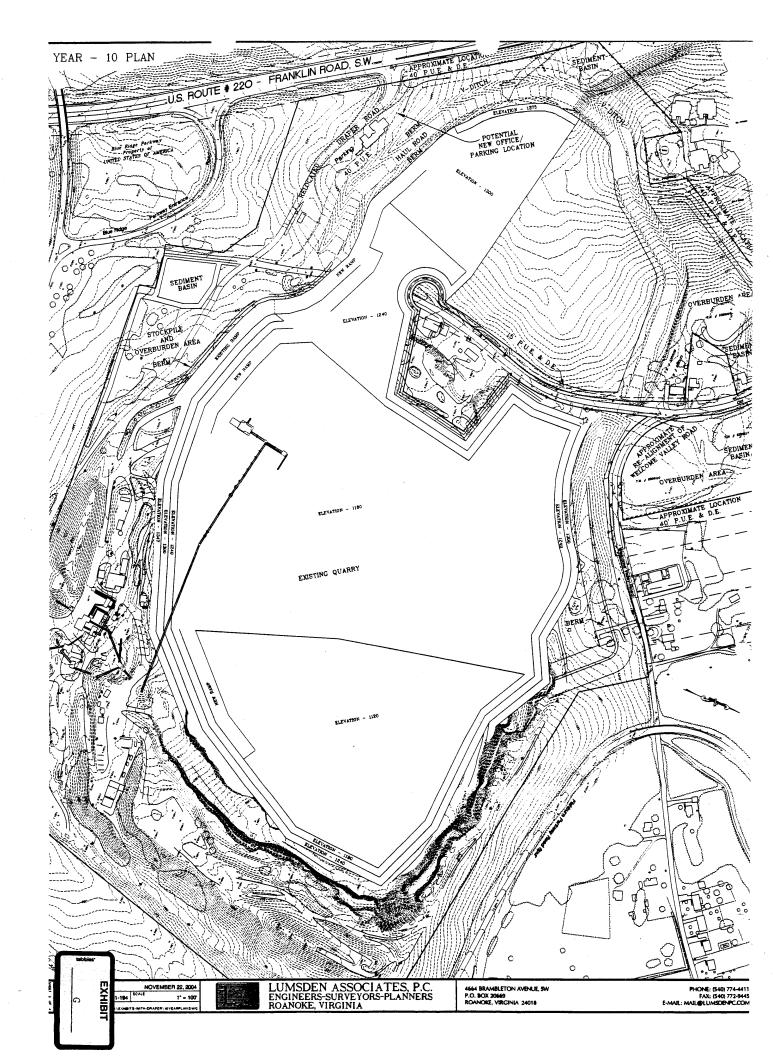


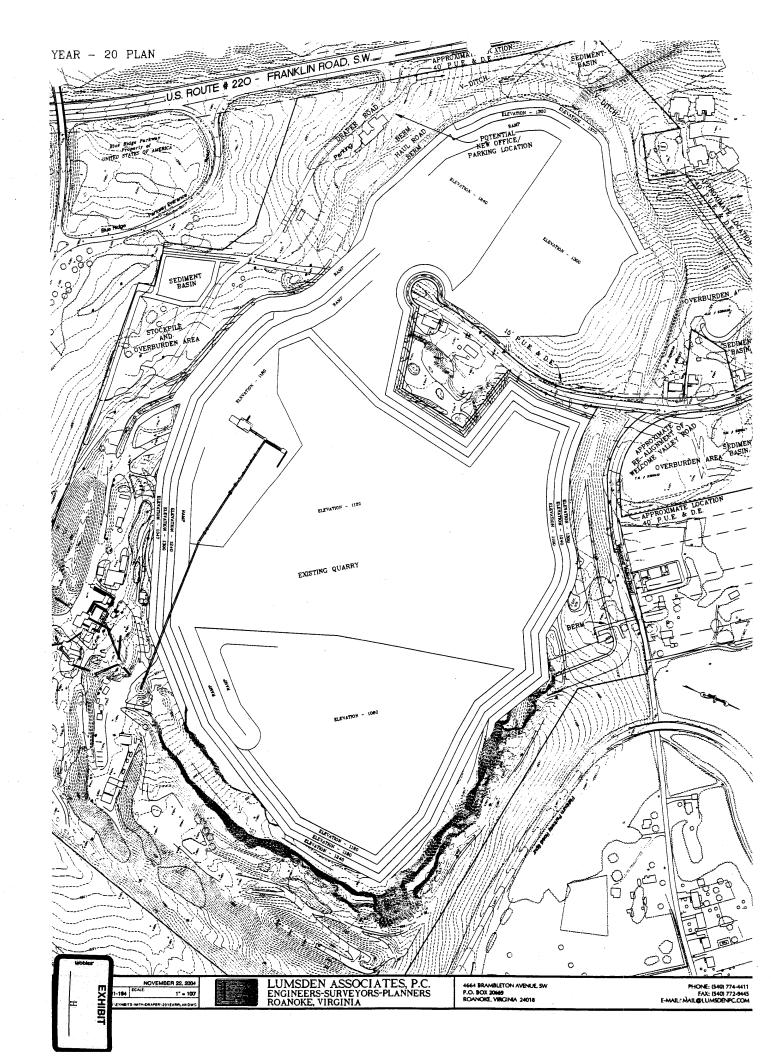












4 VAC 25-40-780. Storage of explosive materials.

- A. Detonators and explosives, other than blasting agents, shall be stored in magazines accepted by the Institute of Makers of Explosives or other approved agency.
 - B. Detonators shall not be stored in the same magazine with explosives.
 - C. Explosives magazines shall be:
 - 1. Located in accordance with the American Table of Distances;
 - 2. Detached structures located away from power lines, fuel storage areas, and other possible sources of fire;
 - 3. Constructed substantially of noncombustible material or covered with fire-resistant material;
 - 4. Reasonably bullet resistant;
 - 5. Electrically bonded and grounded if constructed of metal;
 - 6. Made of nonsparking material on the inside, including floors;
 - 7. Provided with adequate and effectively screened ventilation openings near the floor and ceiling;
 - 8. Kept locked securely when unattended;
 - 9. Posted with suitable danger signs so located that a bullet passing through the sign will not strike the magazine;
 - 10. Used exclusively for storage of explosives or detonators and blasting-related materials;
 - 11. Kept clean and dry in the interior and in good repair;
 - 12. Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine; and
 - 13. Located at least 300 feet away from any underground mine opening, occupied building, public road, or private road not used in connection with the mine.
- D. An accurate inventory log of explosives stored in the magazine shall be maintained on site.
- E. Any theft or unaccounted loss of explosives shall be reported immediately by telephone to local police, state police, the U.S. Department of Treasury Bureau of Alcohol, Tobacco and Firearms, and the Division of Mineral Mining.
- F. Smoking or open flames shall be prohibited within 50 feet of explosives magazines or blasting agents storage facilities.
- G. Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of combustible materials, except live trees over 10 feet tall, for a distance of 50 feet in all directions.
- H. Prior to repairs of a magazine which may cause a fire or explosion, the contents shall be removed to a safe location and guarded.
 - I. Explosives stored in magazines shall be:

- 1. Arranged so that the oldest stock is used first;
- 2. Separated by brand and type;
- 3. Stored with their top sides up; and
- 4. Stacked in a stable manner not over eight feet high.
- J. When stored with other explosives, ammonium nitrate fuel oil blasting agents shall be physically separated to prevent contamination.
- K. Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner by a certified blaster.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.1; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment revised subsections A and D, and paragraphs C.1 and C.10.

4 VAC 25-40-790. Transportation.

- A. Vehicles used to transport explosives shall be:
 - 1. In good mechanical condition;
 - 2. Posted with warning signs;
 - 3. Provided with suitable fire extinguishers;
- 4. Provided with a nonsparking cargo area equipped with sides and tailgate;
 - 5. Kept free of extraneous materials in the cargo area;
- 6. Operated at safe speeds over routes that expose the minimum number of personnel; and
- 7. Operated with the minimum number of persons required to safely transport the explosives.
- B. Explosives and detonators shall be transported in separate vehicles unless they are separated by four inches of hardwood or the equivalent.
- C. When explosives or detonators are transported by an electrically-powered vehicle, the cargo area shall be electrically insulated and covered.
- D. Vehicles containing explosives shall not be left unattended or taken into a shop or building for any reason.
 - E. No person shall smoke while transporting explosives.
- F. Explosives, detonators, or blasting agents shall not be transported on mantrips.
- G. Explosives and detonators shall be transported in substantial, nonconductive, closed containers. Containers shall not be stacked higher than the sides or tailgate of the vehicle.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.2; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment made grammatical changes.

4 VAC 25-40-800. Use of explosives.

- A. A certified blaster shall be in direct charge of blasting activities.
- B. Persons who assist in blasting activities shall be under the direct supervision of the certified blaster in charge and shall be alerted to the hazards involved.
- C. Black powder or safety fuse shall not be used without approval from the director. Special approvals shall specify use restrictions and procedures necessary for safe storage, transportation, and use.
- D. The design and loading of a blast shall provide sufficient burden, spacing, and stemming to prevent flyrock or other dangerous effects.
- E. Boreholes shall not be drilled where there is a danger of intersecting a loaded or misfired hole.
- F. No person shall smoke or use an open flame within 50 feet of explosives or detonators.
 - G. Prior to bringing explosives and detonators to the blast site:
 - 1. Weather conditions shall be monitored to ensure safe loading and firing;
 - 2. The blast site shall be inspected for hazards;
 - 3. The boreholes shall be inspected and cleared of obstructions; and
 - 4. Personnel and equipment, except those used in loading the shot, shall be removed from the blast site.
- H. Boreholes to be blasted shall be loaded as near to the blasting time as practical. Loaded shots shall be blasted as soon as possible upon completion of loading and connection to the initiation device. Surface blasting shall be conducted during daylight hours only.
- I. Explosives shall be kept a safe distance from detonators until they are made into a primer.
- J. Primers shall not be made up or assembled in advance of the borehole being loaded.
- K. Only wooden or other nonsparking implements shall be used to punch holes in an explosive cartridge.
- L. Detonators shall be inserted completely and securely into explosive cartridges used as primers. Priming shall be sufficient to detonate the explosive column in the borehole.
- M. Primers shall be inserted into the borehole slowly to prevent accidental detonation from impact, and tamping shall not be done directly on the primer.
- N. Tamping poles shall be constructed of wood and/or nonsparking materials.

- O. Unused explosives, detonators, and blasting agents shall be returned to the magazine or storage facility upon completion of loading activities and prior to firing the blast.
- P. Equipment and machinery used to load or stem boreholes shall not be operated over loaded boreholes for any reason. Areas containing loaded boreholes shall be guarded or barricaded to prevent unauthorized entry.
- Q. Blast warning signals shall be established and posted at the mine. Audible warning signals shall be given prior to firing a blast.
- R. All personnel shall be removed from the blast area prior to connection to the initiation device and the firing of a blast.
 - S. Blasting personnel shall fire shots from a safe location.
- T. A post-blast examination of the blast area shall be made by the certified blaster in charge. Other personnel shall not return to the blasting area until an all clear signal is received from the certified blaster.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.3; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment revised subsections C, H, N, R and T, and paragraph G.4.

4 VAC 25-40-810. Recordkeeping.

A detailed record of each surface blast shall be prepared immediately by the certified blaster. Records shall be maintained for three years and subject to inspection by the division mine inspectors. Records shall contain the following information:

- 1. Name of company or contractor;
- 2. Location, date, and time of blast;
- 3. Name, signature, and certification number of blaster in charge;
- 4. Type of material blasted;
- 5. Number of holes, burden and spacing;
- 6. Diameter, depth and condition of boreholes;
- 7. Types of explosives used;
- 8. Total amount of explosives used;
- 9. Maximum amount of explosives per delay period of eight milliseconds or greater;
 - 10. Method of firing and type of circuit;
- 11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting;
 - 12. Weather conditions (including such factors as wind directions, etc.);

- 13. Height or length of stemming;
- 14. Whether mats or other protections were used;
- 15. Type of detonators used and delay periods used;
- 16. The person taking the seismograph reading shall accurately indicate exact location of seismograph, if used, and shall also show the distance of seismograph from blast;
- 17. Seismograph records, including seismograph readings, where required:
 - a. Name and signature of person operating seismograph;
 - b. Name of person analyzing the seismograph record; and
 - c. Seismograph reading; and
- 18. Maximum number of holes per delay period of eight milliseconds or greater.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.4; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment revised subsection 6, which had read, "Diameter and depth of holes;" and made punctuation changes.

4 VAC 25-40-820. Procedure where a misfire occurs during a blast.

- A. No person shall enter the blasting area for at least 15 minutes except in the case of safety fuse where special approvals apply.
 - B. Misfires shall be disposed of in a safe manner by the certified blaster.
- C. The blast area shall be guarded or barricaded and posted with warning signs until the misfire has been cleared.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.5; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment made technical and grammatical changes.

4 VAC 25-40-830. When traffic to be stopped.

Prior to blasting near a mine haul road or public highway, traffic shall be stopped at a safe distance.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.6; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment deleted the hyphen from "mine-haul".

4 VAC 25-40-840. Mudcapping.

Mudcapping in blasting operations shall be permitted only where the driller would be in a hazardous position in attempting to drill the rock or material to be blasted.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.7; eff. July 19, 1989.

4 VAC 25-40-850. Blasting near underground mines.

When conducting surface blasting activities near an underground mine, advance notice of blasting shall be given to the underground mine operator by the certified blaster.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.8; eff. July 19, 1989.

4 VAC 25-40-860. Blasting near pipelines or electrical lines.

When conducting surface blasting activities within 300 feet of private pipelines or electrical transmission lines, advance notice of blasting shall be given to the owners of the pipeline or transmission lines by the certified blaster.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.9; eff. July 19, 1989.

4 VAC 25-40-870. Streams and watercourses.

Surface blasting shall be prohibited if effects are liable to change the course or channel of any stream without a variance issued by the director.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.10; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment changed "division" to "director".

4 VAC 25-40-880. Ground vibration from blasting.

A. Ground vibration, measured as peak particle velocity resulting from blasting, shall not exceed the limits set forth below at any inhabited building

not owned or leased by the operator, without approval of the director. A seismographic record shall be provided for each blast.

Distance (D) to nearest inhabited building, feet	Peak Particle Velocity, inches per second	Ds (when not using a seismograph)	
0 - 300	1.25	50	
301 - 5,000	1.00	55	
5,001 and beyond	0.75	65	

B. If seismic monitoring of each blast is not conducted, blasting shall be in accordance with the following scaled distance formulas:

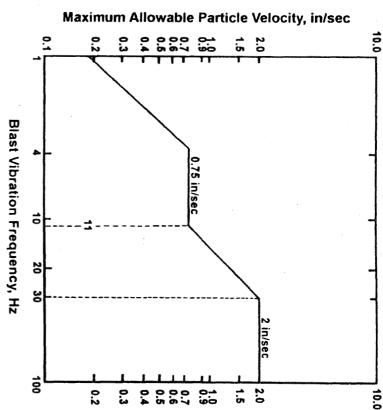
$$W = \left(\frac{D}{Ds}\right)^2 \qquad Ds = \frac{D}{\sqrt{W}}$$

W = Maximum charge weight of explosives per delay period of 8.0 milliseconds or more.

D = Distance in feet from the blast site to the nearest inhabited building not owned or leased by the mine operator.

Ds = Scaled distance factor shown in table in subsection A of this section.

C. The operator may use the alternative ground vibration limits shown below to determine the maximum allowable ground vibration. If these limits are used, a seismographic record including both particle velocity and vibration frequency levels shall be kept for each blast. Ground vibration levels and airblast levels are taken from the Blasting Guidance Manual.



(Source modified from figure B-1. Bureau of Mines R18507) Figure 1. Alternative blasting level criteria

Statutory Authority §§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia

Historical Notes

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998 Derived from VR480-05-1.2 § 6.11; eff. July 19, 1989

Effect of Amendment

The July 1, 1998 amendment substantially revised this section

VAC 25-40-890. Airblast limits.

being used. based on the sensitivity of the private building not owned or leased by the operator unless an alternate level Airblast resulting from surface blasting shall not exceed 129 decibels at any seismograph microphone as specified below is

Measuring System, in Hz	(3dB)
1 Hz or lowerflat response*	134 peak
2 Hz or lowerflat response	133 peak
6 Hz or lowerflat response	129 peak
C-weighted slow response	105 peak dBC

*Only when approved by the director.

Statutory Authority §§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.12; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment substantially revised this section.

4 VAC 25-40-895. Lower vibration and airblast levels.

If necessary to prevent damage, the director may specify lower allowable ground vibration and airblast levels than those provided by 4 VAC 25–40–880 and 4 VAC 25–40–890.

Statutory Authority

§§ 45.1–161.3, 45.1–161.294 and 45.1–161.305 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

4 VAC 25-40-900. Total weight of explosives.

The total pounds of explosives and blasting agents in any blast shall not exceed 40,000 pounds without the approval of the director.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.13; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment changed "written approval of the division" to "approval of the director".

4 VAC 25-40-910. Seismic testing and evaluation.

Seismic testing and evaluation to determine compliance with blasting regulations shall:

- 1. Utilize acceptable instrumentation which measures ground vibration, airblast and vibration frequency when applicable;
 - 2. Be conducted and analyzed by a qualified person; and
 - 3. Be conducted whenever directed by the division.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.14; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment revised subsections 1 and 2.

4 VAC 25-40-920. Electric detonators.

A. When electric detonators are used, an acceptable blaster's galvanometer or blaster's multi-meter shall be used to test detonators, firing lines, series circuits, and total circuit resistance prior to firing.

- B. Electric detonators of different brands shall not be used in the same blast.
 - C. Except when being tested with an acceptable instrument:
 - 1. Electric detonators shall be kept shunted until they are connected into the series circuit;
 - 2. Series circuits shall be kept shunted until they are connected onto the firing line; and
 - 3. Firing lines shall be kept shunted until immediately before blasting.
- D. Blasting machines or other acceptable power sources shall be suitable for the number of electric detonators to be fired and for the type of circuits to be used.
- E. When electric detonators are used, sources of stray current to the blasting area shall be de-energized. Blasting activities shall be stopped immediately if stray current or static electricity in amounts sufficient to cause a premature detonation are encountered.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.15; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment changed "approved" to "acceptable" in subsection D, and made grammatical changes in subsection A.

4 VAC 25-40-930. Nonelectric blasting.

- A. When detonating cord manufactured with more than three grains per foot is used within 800 feet of inhabited buildings, not owned or leased by the operator, trunk lines shall be covered with at least six inches of loose earth or other acceptable material.
- B. All detonating cord knots shall be tight and all connections kept at right angles to the trunk lines.
- C. Detonators and delay connectors shall not be attached to exposed detonating cord by the certified blaster until the blast area is cleared.
- D. Detonating cord blasting shall use a double trunk line or loop system to ensure complete detonation.
- E. Detonating cord trunk lines, in multiple row blasts, shall make one or more complete loops, with crossties between loops at intervals not more than 200 feet.
- F. When using a gas-charged initiation system, the certified blaster shall ensure that all components are fully charged prior to firing the blast. The blast area shall be cleared of personnel prior to charging the components.
- G. Shock tube and other nonelectric detonation systems shall be used in accordance with manufacturers' recommendations.

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 6.16; eff. July 19, 1989.

Amended, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Effect of Amendment

The July 1, 1998 amendment changed "blasting area" to "blast area" in subsections C and F, and in subsection A, changed "mine operator" to "operator", and added "or other acceptable material".

PART VII

DRILLING—SURFACE AND UNDERGROUND

4 VAC 25-40-940.	[Repealed].
4 VAC 25-40-950.	Inspection of equipment prior to use.
4 VAC 25-40-960.	[Repealed].
4 VAC 25-40-970.	Safe operation of drills.
4 VAC 25-40-980.	Drilling of boreholes.
4 VAC 25-40-990.	Drills to be attended.
4 VAC 25-40-1000.	Storage of steel and tools.
4 VAC 25-40-1010.	Moving vehicle-mounted drills.
4 VAC 25-40-1020.	Power failures.
4 VAC 25-40-1030.	Hands to be kept clear.
4 VAC 25-40-1040.	Clothing.
4 VAC 25-40-1050.	Boreholes.
4 VAC 25-40-1060.	Moving handheld drills.
4 VAC 25-40-1070.	Handling of boulders.
4 VAC 25-40-1080.	Walls or benches.
4 VAC 25-40-1090.	Rotary jet piercing equipment.

4 VAC 25-40-940. [Repealed]

Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

Derived from VR480-05-1.2 § 7.1; eff. July 19, 1989; repealed, Virginia Register Volume 14, Issue 17, eff. July 1, 1998.

Editor's Note

This section provided for inspection of drilling area for hazards.

4 VAC 25-40-950. Inspection of equipment prior to use.

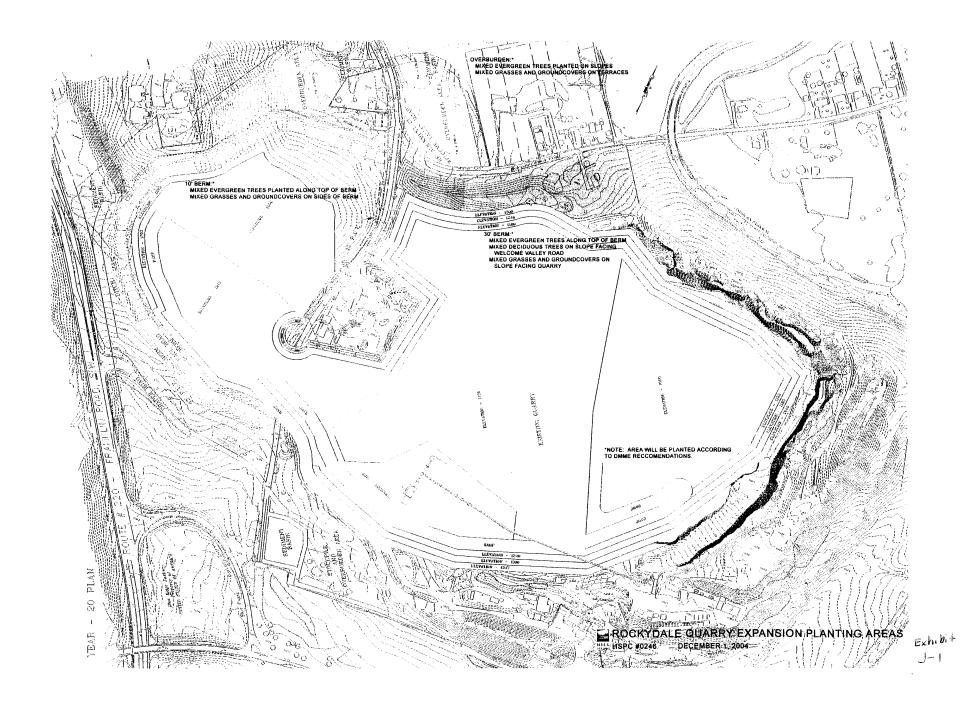
Drillers shall inspect their equipment prior to use. Equipment defects affecting safety shall be reported to the certified foreman.

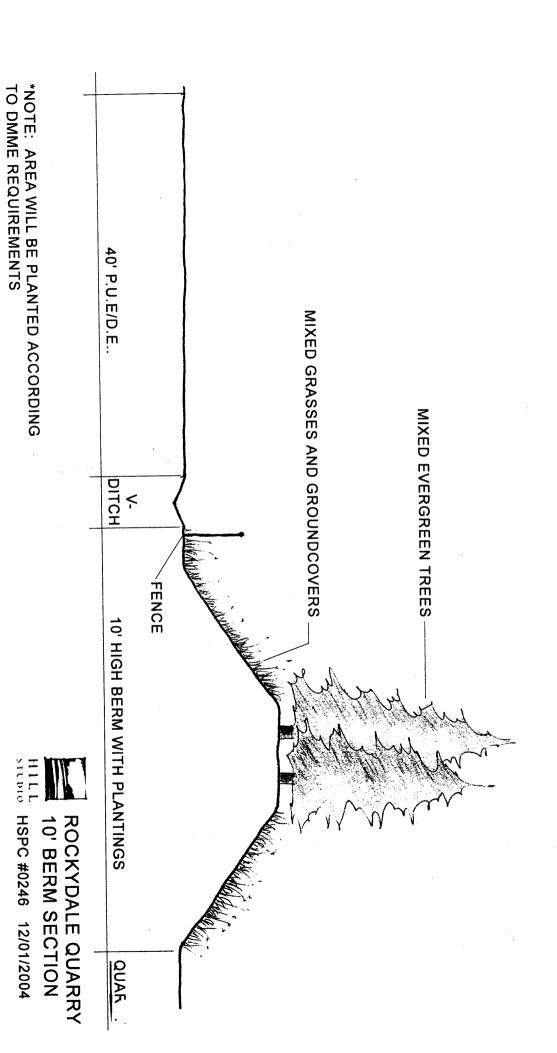
Statutory Authority

§§ 45.1-161.3, 45.1-161.294 and 45.1-161.305 of the Code of Virginia.

Historical Notes

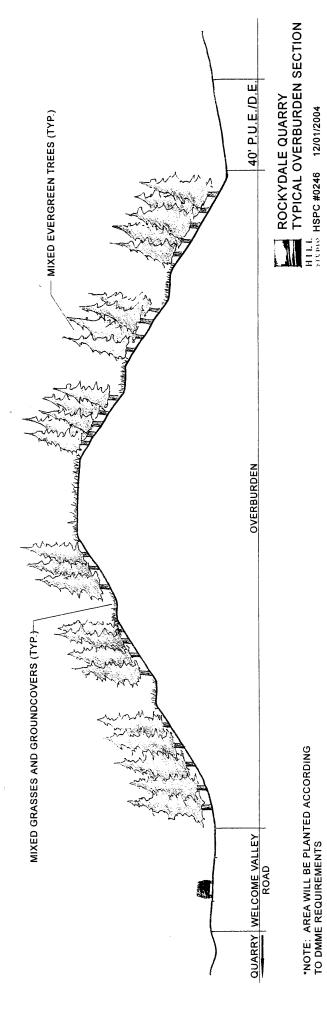
Derived from VR480-05-1.2 § 7.2; eff. July 19, 1989.







HSPC #0246 12/01/2004



*NOTE: AREA WILL BE PLANTED ACCORDING TO DMME REQUIREMENTS

ADJOINING PROPERTY OWNERS

TO

Tax Map No. 5380106	Franklin Road, S.W. (28.9030 Acres)
Tax Map No. 5380107	4659 Old Rocky Mount Road, S.W.
Tax Map No. 5380108	(1.00 Acres) 4643 Old Rocky Mount Road, S.W.
Tax Map No. 5380123	(0.4197 Acres) 4639 Old Rocky Mount Road, S.W.
Tax Map No. 5380110	(0.4526 Acres) 4555 Old Rocky Mount Road, S.W.
Tax Map No. 5380125	(5.1727 Acres) Franklin Road, S.W.
Tax Map No. 5390110	(9.0240 Acres) 4259 Welcome Valley Road, S.W.
Tax Map No. 5390117	(1.4678 Acres) Rocky Mount Road, S.W.
Tax Map No. 5390109	(2.1127 Acres) Old Rocky Mount Road, S.W.
Tax Map No. 5390108	(1.4003 Acres) Old Rocky Mount Road, S.W.
Tax Map No. 5390106	(1.8328 Acres) 4628 Old Rocky Mount Road, S.W.
Tax Map No. 5390105	(1.0089 Acres) Van Winkle Road, S.W.
Tax Map No. 4530202	(0.1099 Acres) Welcome Valley Road, S.E.
Tax Map No. 4530203	(1.4543 Acres) 4134 Welcome Valley Road, S.E.
Tax Map No. 4530205	(4.1852 Acres) 4096 Welcome Valley Road, S.E. (3.8838 Acres)

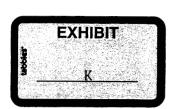
ROANOKE CITY PROPERTIES

Tax Map Number

Owners/Addresses

5380105

The Branch Family LLC 4552 Franklin Road, S.W. Roanoke, VA 24014



5380121 4530206	Western Virginia Water Authority 2012 S. Jefferson Street, Suite 200 Roanoke, VA 24014
5380104	Summit at Roanoke Apts., LLC 4333 Edgewood Road, N.E. Cedar Rapids, Iowa 52499
5380111	Stacy Ann Lucas 3946 Welcome Valley, S.E. Roanoke, VA 24014
5460120	Gary W. Critzer Judy L. Critzer 4531 Narrows Lane, S.W. Roanoke, VA 24014
5460128	Kenneth A. Muncy Malinda L. Muncy 1005 Boon Bernard Drive Boones Mill, VA 24065
5390107 5390104 5390116	American Electric Power (formerly Appalachian Power) 215 Church Avenue, S.W., Room 250 Roanoke, VA 24011
5460109	Russell C. Etter Patsy A. Etter 4542 Old Rocky Mount Road, S.W. Roanoke, VA 24014
5390113	Trustees of the New Hope Christian Church 4229 Welcome Valley Road Roanoke, VA 24014
5370101 5370114	Margaret B. Young Trustees of First Union National Bank of Virginia 4737 Barclay Square Roanoke, VA 24018

5370102 5370103 5370104 5370107	Rockydale Quarries Corporation P. O. Box 8425 Roanoke, VA 24014
5370108 4530101 5390204 5390203	
5390202	
5370105	S. R. Draper Paving Company 4742 Old Rocky Mountain Road, S.W. Roanoke, VA 24014
4530201	Joe B. Helms, Jr. 3775 Bandy Road, S.E. Roanoke, VA 24014
4530102	Frank E. Wilson Elmira M. Wilson 4125 Welcome Valley Road, S.E. Roanoke, VA 24014
4530103	David M. Derrow Mary V. Derrow 4117 Welcome Valley Road, S.E. Roanoke, VA 24014
4530104	Conrad R. Altizer Janet R. Altizer 4111 Welcome Valley Road, S.E. Roanoke, VA 24014
4530105	Janice S. Latham 4101 Welcome Valley Road, S.E. Roanoke, VA 24014
4530106	Edward C. Kennedy Jacqueline C. Kennedy 4097 Welcome Valley Road, S.E. Roanoke, VA 24014

4530107	W. H. Radford 4091 Welcome Valley Road, S.E. Roanoke, VA 24014
4530108	Deborah W. Cassell 4077 Welcome Valley Road, S.E. Roanoke, VA 24014
4530207	William R. Divers Mary H. Divers 4070 Welcome Valley Road, S.E. Roanoke, VA 24014
4530204	Campbell Heirs Cemetery 5512 Will Carter Lane Roanoke, VA 24014

-

ROANOKE COUNTY PROPERTIES

Tax Map Number Owner/Addresses

088.09-01-03.00 Kenneth W. Wilson

Melissa D. Lephew Wilson

Route #1, Box 335 Elliston, VA 24087

088.13-01-09.00 Old Heritage Corporation

P. O. Box 8425

Roanoke, VA 24014

Superintendent

Attention: Gary Johnson Blue Ridge Parkway National Park Service

U. S. Department of the Interior

199 Hemphill Knob Road Asheville, NC 28803-8686



January 8, 2005

Mayor C. Nelson Harris City of Roanoke 215 Church Ave. SW Room 452 Roanoke, VA 24011-1594 RECEIVED

JAN 1 2 255

CITY OF ROANOKE
PLANNING BUILDING AND DESCRIPTIONS

Dear Nelson:

I am writing to solicit your support of the request by Rockydale Quarries to rezone 50 acres of their land so they may expand the life of their Roanoke operation for an additional 20 years.

Rockydale's petition outlines all the benefits of this expansion for their business, The City of Roanoke, Rockydale's customers, Rockydale's vendors and economic development in general, so I will not attempt to include all those benefits in this letter.

I would like to remind you that the leadership of The City of Roanoke is proud to claim "Roanoke is open for business" and is "business friendly". Often those claims are made when we are attempting to convince a business entity to invest their business dollars in Roanoke rather than some other competing location. Additionally, those competitive wins often require The City of Roanoke to provide incentives including large sums of money (the recent Ukrops decision is a perfect example).

I applaud The City of Roanoke's economic development efforts but let's make sure we are just as "business friendly" to our existing local businesses. Rockdale Quarries has been an outstanding local commercial entity for 77 years and now when they need your support to expand their operations let's make sure we assist them in everyway possible and congratulate and thank them for their further investment in The City of Roanoke.

I want to thank you in advance for your enthusiastic support of Rockdale Quarries's petition.

Sincerely,

ENTRE COMPUTER CENTER

Barton J. Wilner

President

Cc Roanoke City Council Members

✓ Roanoke Planning Commission Members

Mr. David Willis, Rockydale Quarries



GENERAL CONTRACTORS www.jmturner.com

P.O. BOX 2140, ROANOKE, VIRGINIA 24009 • (540) 343-6749 • FAX (540) 343-6031 SHIPPING ADDRESS: 130 CHURCH AVENUE, ROANOKE, VIRGINIA 24011

January 13, 2005

Planning Commission Chairman and Members of the Planning Commission City of Roanoke 215 Church Avenue, S.W. Room 166 Roanoke, VA 24011



In re: Zoning Request of Rockydale Quarries Corporation

Dear Planning Commission Chairman and Members of the Planning Commission:

I am pleased to send this letter in support of the rezoning application of Rockydale Quarries Corporation. We have done business with Rockydale for over 50 years. It is an outstanding company in the Valley and has been so during the 77 years it has been in business.

As you well know, there are problems associated with this type of business. However, the product is necessary for economic growth in this area. Rockydale is mindful of the potential problems and goes out of its way to conduct its business in an environmentally positive way as possible.

I have discussed the proposed expansion at length with representatives from the quarries. I was impressed by the time, resources and effort they have invested in this project to come up with a very sound plan for expansion. Rockydale needs this flexibility and the construction industry, which depends on their product to a large degree, needs for Rockydale to have this flexibility in order to have a competitive source of aggregates. This, as mentioned earlier, is very important for the economic growth and development of our community.

In short, Rockydale is an outstanding corporate citizen, they have a well thought-out plan and it is certainly one that should be approved by the City of Roanoke.

If I can provide additional information, please do not hesitate to let me know.

Thank you for your attention to this.

With best regards,

James M. Turner, Jr.



VALLEY CADILLAC-OLDSMOBILE, INC.

2743 FRANKLIN ROAD, S.W.

ROANOKE, VIRGINIA 24014 (540) 344-9274 BODY SHOP (540) 982-6528

Oldsmobile

USED CARS (540) 342-3733

January 17, 2005

Roanoke City Planning Commission 215 Church Avenue SW Room 166 Roanoke, Virginia 24011

Ref: Rockydale Quarries

Dear Members of the Planning Commission,

As a long-time resident and business owner in the Roanoke Valley, I am writing to urge your support of the rezoning and road closures needed by Rockydale Quarries for their expansion. Their requests will allow this important resource for our community to double its useful life.

Since 1966, I have lived in Hunting Hills and traveled on Route 220 right past the quarry. In fact, both of my homes in Hunting Hills looked into the quarry! My views of the quarry's canyon-like wall have been lovely and have only added to the enjoyment of my home.

I also applaud the traffic improvements which Rockydale has included within its proposal. These will enhance the safety of the motoring public along Route 220.

Being a business owner in the City, I am especially aware of the importance of Rockydale's products for our building and road industries. Let's keep them supplying Roanoke's construction needs for as long as reasonably possible.

I urge your support for their requests.

Sincerely,

Robert / Mason President



VALLEY CADILLAC-OLDSMOBILE, INC.

2743 FRANKLIN ROAD, S.W.

USED CARS (540) 342-3733 ROANOKE, VIRGINIA 24014 (540) 344-9274 BODY SHOP (540) 982-6528

January 17, 2005

Oldsmobile

Roanoke City Planning Commission 215 Church Avenue SW Room 166 Roanoke, Virginia 24011

Ref: Rockydale Quarries

Dear Members of the Planning Commission,

As a life-long resident of the Roanoke Valley, I ask that you grant the requests filed by Rockydale Quarries being considered by you this week. Unfortunately, I will not be able to attend the public hearing on Thursday, but wanted to urge this action on your part.

I live in Hunting Hills, so, I have been "living" with the quarry for most of my life. I have not been negatively impacted by the quarry's activity, but rather appreciate the important role played by the quarry in the economic life of Roanoke

I also appreciate how adding a traffic light on Route 220 at the Outback Steakhouse will definitely help the folks who live on that road or use Old Rocky Mount Road to access Route 220. Rockydale's agreement to pay for that traffic signal is consistent with their community-mindedness.

Good projects need to be supported. This is a good project and I ask that you allow it to proceed.

Sincerely,

Karen O'Dell, Vice President





January 18, 2005

Roanoke City Planning Commission Municipal Building, Room 162 215 Church Avenue, S.W. Roanoke, Virginia 24011

RE: Rockydale Quarries Rezoning Request

Dear Members of the Planning Commission:

The Branch Family L.L.C. owns property adjacent to the site which is proposed for the expansion of Rockydale Quarries. Our office buildings appear to be the closest structures to the proposed expansion.

As one of the surrounding property owners, we do not oppose the proposed expansion.

Rockydale Quarries has been our neighbor for years, and a good neighbor at that. We have met with representatives of Rockydale Quarries in order to understand the expansion. We believe that the package put together by Rockydale Quarries seems to be a reasonable plan. We appreciate Rockydale's concerns surrounding the expansion of their quarry and understand that their planned expansion should not have a noticeable impact on our property.

Verv truly yours.

Michael M. Branch

cc: Rockydale Quarries



Roanoke Neighborhood Advocates

Promoting the Development of World-Class Neighborhoods

January 20, 2005

Members:

Carl D. Cooper Chair

Sandra B. Kelly Vice-Chair

John Renick Secretary

Shirley Bethel

Bob Caudle

John Griessmayer

Richard Nichols

Althea L. Pilkington

Cheryl D. Ramsey

Dawn Vineyard

Krystle Waller

Earnest C. Wilson, Jr

Ladies and gentlemen of the Commission, good afternoon. I rise before you today as Chair of the RNA, a Council appointed committee charged with advocating on behalf of all of Roanoke's neighborhoods. I rise to object to the Rockydale rezoning petitions before you and to ask that the petitions be tabled for 90 days.

The RNA objects to the petitions before you in particular the petition to modify the Southern Hills Neighborhood Plan. We object for the following reasons.

1) Communication. The RNA consistently and overwhelmingly continues to hear from citizens that the administration and Council of Roanoke do not adequately inform and involve citizens in the decision making process. The petitions before you have not been adequately advertised Robin Murphy-Kelso to citizens so as to give a fair opportunity for citizens to participate and make their views known. The most glaring example is that the Planning Departments Request for Comments on the petitions arrived at the Southern Hills Neighborhood Council on December 15, 2004 with a December 20, 2004 deadline for written comment thereby giving the neighborhood organization 5 days to respond. We submit that this is inadequate.

> 2) Process. The RNA submits that the standard being utilized to determine adequate notice of proposed changes to the Neighborhood Plan is severely inadequate and attempts to establish a notification precedent without input from the neighborhoods of Roanoke. The Planning Departments position that using the state code requirement of notifying adjoining property owners is sufficient notification of intent to modify a neighborhood plan is strongly opposed by the RNA. Whereas a spot rezoning may only require the notification of adjoining property owners. the modification of a neighborhood plan, we submit, requires the notification of all residents within the area covered by the neighborhood plan to be modified. Additionally, RNA strenuously objects to Planning's intention to permanently link the spot rezoning of any property within the city to a mandated and automatic modification of the neighborhood plan overseeing the property to be rezoned.

Noel C. Taylor Municipal Building 215 Church Avenue, S.W. Room 162 Roanoke, Virginia 24011

Phone: 540-853-5210 Fax: 540-853-6597

Email: neighborhoods@ci.roanoke.va.u

Ladies and Gentlemen of the Planning Commission January 20, 2005 Page 2

In closing, RNA believes a Neighborhood Plan (NHP) needs to be modified by the entire neighborhood rather than piecemeal by special interests.

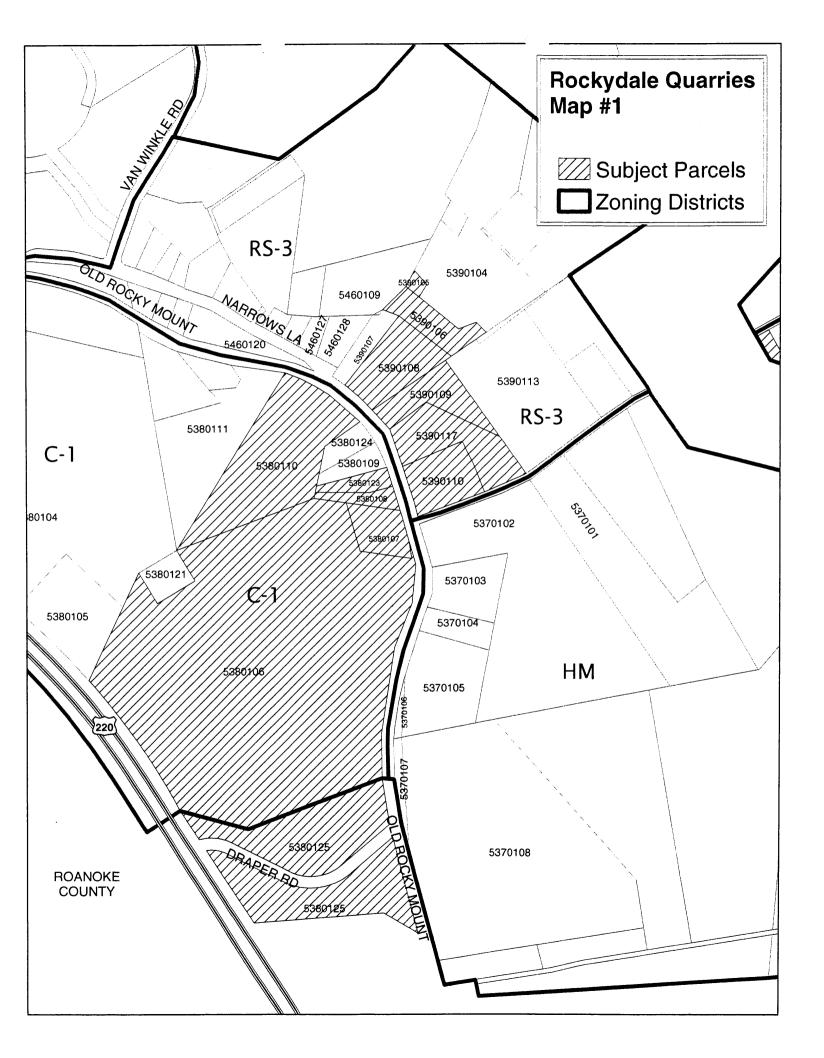
RNA takes no position on the merits of Rockydale's request. However, because the proposed changes considerably rewrite the neighborhood plan and because neighborhood plans are supposed to be a collaborative effort between the city and residents, RNA requests that the Planning Commission make no decisions on Rockydale requests until Southern Hills residents are given an opportunity to review all proposed changes in conjunction with the community's current neighborhood plan.

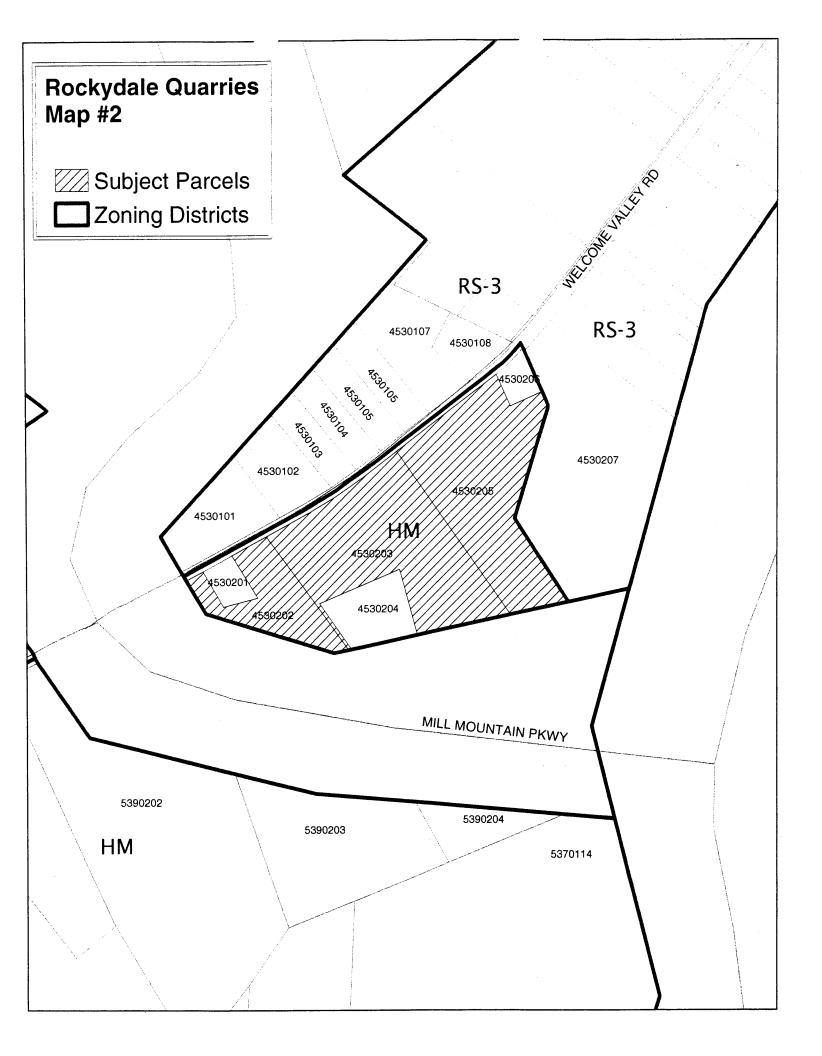
Enacted and taken together, the cumulative effect of these changes will be to transform the essential focus of the neighborhood from that of one envisioned by the creators of the NHP to that of one pushed by economic special interests that in essence rewrites the neighborhood plan without including the affected residents.

Respectfully submitted,

Carl D. Cooper

Chair





PLANTATION PIPE LINE COMPANY

SERVING THE SOUTHEAST SINCE 1940

February 4, 2005 10.2.2.3.22, Sect 14-B., ROW 11&12, RK-Exxon Roanoke County, Virginia Rockydale Quarry Expansion PPL Co. R/W Conflict

Mayor and Members of Roanoke City Council C/o Mary F Parker, City Clerk Municipal Building, Room 456 215 Church Avenue, S.W. Roanoke, Virginia 24011

Representatives from Plantation Pipe Line Company attended the rezoning hearing on January 20, 2005 for the expansion of the Rockydale stone quarry in Roanoke Virginia. During this meeting they voiced some concern for the integrity of our eight inch high pressure petroleum products pipeline that is within the area of the proposed expansion.

Kenny Baliles, Plantation's local representative and I met with Mr. David Willis at the quarry on Tuesday, February 1, 2005 to review the expansion plans and to discuss pipeline safety issues. We also visited the proposed construction area and discussed the possible impacts of their operations on Plantation's pipeline.

As a result of this meeting and review of the proposed plans, Plantation is confident that the quarry expansion will have no negative impact upon our operations or the integrity of the pipeline. We will closely monitor the work as it progresses and the quarry owners have agreed to keep Plantation informed of any changes in their plans. We also plan to monitor the blasting operation once it commences to insure there is no detrimental impact on our facilities.

Plantation has no objection to the project as proposed.

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If additional information is required, please contact me at (770) 751-4109 or E-Mail Blair_Northen@KingerMorgan.com.

Respectfully,

Blair H Northen, Jr., P.E. Consulting Engineer

Slother 1.



Contracting Enterprises Incorporated

2003 RUSSELL AVE., S.W. P.O. BOX 13725 ROANOKE, VIRGINIA 24036 PHONE 540-342-3175 • FAX 540-342-3177 www.cei-rw.com

February 16,2005

Mayor and Members of Roanoke City Council c/o Mary F. Parker, City Clerk
Municipal Building, Room 456
215 Church Avenue, S.W.
Roanoke, VA 24011

Lady and Gentlemen:

This is to respectfully ask for your support of Rockydale Quarries request to expand the area of their operation. Specifically, while asking for this approval, there are a number of positive results that will affect Roanoke City and the entire valley:

Insure a very positive tax base for an additional twenty years

Continue employment for 52 persons and add others as needed

Continue employing sub-contractors and contract haulers

No cost to the city in tax exemptions, etc. for this expansion

No use of services—water, sewer, trash pick-up, etc.

Ten acres reserved for conservation

Rockydale is owned by the Willis family who have lived in the city since the early 1900's and have operated the quarry for the past seventy-seven years. Also they have been involved in the growth and development of our valley this entire time.

As a person who has run a business in Roanoke City for over fifty years, I think this request is very positive and will help all of us by supporting our existing businesses and provide for further growth in economic development.

Thank you,

Lucian Y. Grove



February 15, 2005

Mayor and Members of Roanoke City Council c/o Mary F. Parker, City Clerk Municipal building, Room 456 215 Church Avenue, S.W. Roanoke, Va. 24011

Re: ROCKYDALE QUARRY PETPTION FOR REZONING

50 ADDITIONAL ACRES TO HEAVY MANUFACTURING

Dear Honorable Mayor Nelson and City Counsel Members:

I am the President of Fralin & Waldron, Inc., and am writing in support of the above-referenced rezoning request, submitted by Rockydale Quarry.

Rockydale has been a long standing commercial entity in the Roanoke Valley for 77 years, and has done business with Fralin & Waldron, Inc. since our inception in 1962. They have always been hard working, efficient, courteous and competitive in the market.

Mining of aggregate is essential and inevitable to all construction activities, and this rezoning affords the opportunity to extend the life of a well run facility, which will in turn provide a continued tax base to Roanoke City while not requiring any expenditure of City tax dollars. Not to mention that extending the life of Rockydale's Roanoke location is a good and practical land and resource conservation measure.

I encourage you to approve this request for the betterment of a well respected business, as well as a benefit to the Roanoke area.

Thank you.

Sincerely,

Andrew C. Kelderhøuse

President

ACK/nlm

Cc: David Willis

RECEIVED

FEB 1 7 2005
MAYOR'S OFFICE

9020 Quioccasin Road Suite J Richmond, VA 23229

February 16, 2005

Hon. C. Nelson Harris, Mayor and Members of City Council CITY OF ROANOKE 452 Municipal Building 215 W. Church Avenue, SW Roanoke, VA 24011

Re: Rockydale Quarries Corporation

Dear Mayor Harris and Members of City Council:

I write this letter as the principal owner of The Summit at Roanoke Apartments, a quality apartment complex located in the City of Roanoke immediately adjacent to a portion of the property which Rockydale Quarries Corporation is seeking to have rezoned. I write this letter with some trepidation, but I feel it is necessary in light of the proceedings which have taken place in Rockydale Quarries' application process

This letter is being delivered prior to the City Council meeting, as we will not be able to have representatives available at the City Council meeting to make a presentation.

Rockydale's applications were filed with the City of Roanoke on December 2, 2004. I received notice of the filing of the application through counsel shortly thereafter. I had retained counsel approximately a year ago, after having been made aware of Rockydale's intentions. Rockydale did provide to me two letters, one dated February 21, 2003 and one dated October 24, 2004, in which they advised that they were developing plans for expansion of the quarry operation and offering to meet with me to discuss the plans. At that point, I felt that it was not necessary to meet with them unless and until the plan had been finally developed and presented. As an individual with some experience in ownership and development of property, I understand that plans are changed constantly until final submission. Thus, until Rockydale's plans were finalized, I did not feel it imperative to meet with them to discuss the same. However, I felt that once the plans were submitted, I should be afforded an opportunity, as an adjoining property owner, to review the proposal and have professionals review the same. Thus,

once the plan was finally presented, my counsel contacted counsel for Rockydale and requested that the matter be deferred to afford me an opportunity to hire appropriate experts to review Rockydale's proposal. Rockydale responded that they would not continue the matter before the Planning Commission and felt that it was imperative to proceed immediately.

The matter was heard by the Planning Commission at its meeting on January 20, 2005. Counsel appeared on my behalf and made an oral presentation in addition to providing a letter dated January 13, 2005 summarizing my request for a continuance. A copy of that letter is attached hereto. In addition to my request for a continuance, other adjoining property owners, as well as three citizen groups and the owner of the pipeline crossing the Rockydale property, appeared before the Planning Commission and requested that the matter be continued to give them an opportunity to review the proposal. The neighborhood groups indicated that they were not aware of the entire proposal until several days before the Planning Commission meeting and they had no opportunity to review and study the submission. The adjoining property owners indicated likewise. The owner of the gas pipeline indicated that they were not aware of the rezoning request until several days before the Planning Commission meeting and they further asked for a continuance in order to evaluate the potential impact of Rockydale's request on the pipeline.

Counsel for Rockydale provided a letter to the Planning Commission dated January 20, 2005 stating that the owner of The Summit at Roanoke met with Rockydale representatives approximately two years ago and discussed Rockydale's expansion plans. The letter further states that Rockydale made offers to meet with me on several occasions. However, as stated above, it was my opinion that until the final proposal had been put together, any such meeting would not be of any benefit unless and until the final plan was presented. In this case, after two years of developing the proposal. Rockydale presented the final plan and then asked the Planning Commission to act within forty-five days. This simply did not give me or others potentially affected an opportunity to reasonably evaluate the plan. My reasons for the request for a continuance were set forth in the January 13, 2005 letter, attached hereto, and those reasons have not changed. We have made continued efforts to retain an engineer who would review the plan but, as a result of the Planning Commission's brusque action in brushing off our request for a continuance, no engineer could adequately review the plan within the timeframe allowed.

Under the circumstances, I do not think that my request for a continuance was in any form inappropriate. In fact, I have been advised by my representatives that the matter immediately prior to the Rockydale issue on the Planning Commission agenda on December 20, 2004, was continued as a result of several issues which, in my opinion, are in no way more important as the potential issues raised by Rockydale's application. My representatives advise me that the Planning Commission seemed intent on proceeding ahead and approved Rockydale's request in spite of my request for a continuance, the request of an adjoining property owner, the request of three neighborhood civic associations, and the request of the pipeline company. All of those

involved have issues that need to be reviewed and developed. A forty-five day period from the time of the filing of the application until the Planning Commission meeting, especially with the Christmas and New Year holidays involved, simply did not afford a reasonable opportunity for me, and the others who had questions, to investigate the matter. I am not necessarily opposed to Rockydale's application. I simply want to ensure what impacts it will have on my property.

My major concerns are the impacts that the proposed development will have in the way as to damage of my property as a result of noise, dust and physical damage to the structures themselves. Tenants at the Summit have called 911 on at least one occasion as a result of blasting which the tenant thought was an earthquake. My maintenance man was on the roof of one of the buildings on another occasion when blasting occurred and it almost knocked him off of the roof. There have been other occasions when the blasting has caused concern among the residents.

However, a review of the City Staff Report finds that the Staff is relying on the studies prepared by the Petitioner and has done little if any independent investigation of the situation. In a zoning matter which has the significant impacts on properties which this rezoning has, it would appear to me that it would be beneficial and imperative for the City to address those issues to ensure that no impact will occur. The net effect to me is that the rezoning may very well significantly affect my ability to rent apartments adjacent to the subject property. This is especially true if any of my concerns relating to noise, dust and physical damage as a result of blasting turn out to be true. I do not believe that the City Staff adequately investigated these facts. A review of the Staff Report, I think, supports my position in that there is no indication that the City has reviewed the matter independently of Rockydale's studies. If damage occurs to my property, I will certainly look to hold someone accountable for the damage. That is not what I desire. I would much rather make sure before the rezoning takes place so that we would not be trying to rectify a problem, but ensuring that no problem exists.

I would, therefore, request that the matter be deferred by City Council and/or sent back to the Planning Commission for further consideration in order to afford me and the others who have questions regarding this issue to do further research and study.

This is a development that will have significant impact on the adjoining properties for an extended period of time. I do not think that our request for a sixty-day deferral/continuance in order to evaluate those potential impacts on the adjoining properties is unreasonable. I have a significant investment in the apartment complex and I want to ensure that Rockydale's proposal will cause no damage to my property. An independent evaluation of Rockydale's request does seem to be appropriate and it would further seem to be necessary in order for the City to determine from an independent source that there will be no negative impact on adjoining properties from this development. Therefore, I would once again request that the matter be deferred and/or returned to the Planning Commission in order to allow me and the others involved to do the necessary investigation to ensure that our properties will not be negatively impacted by the Rockydale proposal. In my opinion, that is one of the

necessary criteria in any rezoning application and I humbly request that I be afforded this opportunity.

Sincerely,

a. E. Horens, &.
Arthur Havens

pc: Maryellen F. Goodlatte, Esq.

Glenn Feldman Darby & Goodlatte

P. O. Box 2887

Roanoke, VA 24001

LAW OFFICES

OSTERHOUDT, PRILLAMAN, NATT, HELSCHER, YOST, MAXWELL & FERGUSON, PLC

Edward A. Natt Please reply to: P. O. Box 20487

Roanoke, VA 24018 Direct: (540) 725-8180

Fax: (540) 774-0961 E-mail: enatt@opnlaw.com 3140 CHAPARRAL DRIVE, SUITE 200-C

ROANOKE, VIRGINIA 24018-4370

(540) 989-0000

FAX (540) 772-0126

SALEM, VIRGINIA 24153 P. O. Box 270 105 N. Colorado Street (540) 389-2349 Fax (540) 389-9560

January 13, 2005

RECEIVED

JAN 1 3 7005

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

HAND DELIVERED

Chairman and Members of the Planning Commission CITY OF ROANOKE 166 Municipal Building 215 Church Avenue, SW Roanoke, VA 24011

Re: Application of Rockydale Quarries Corporation

Dear Chairman and Members:

Our firm has been retained by The Summit at Roanoke Apartments, LLC, the owner of property adjacent to the property which is the subject of the above rezoning request, to represent their interests in this rezoning request. It is my understanding that Rockydale filed two Applications with the City of Roanoke on December 2, 2004. The first request was to rezone a number of parcels of land to HM (Heavy Manufacturing District) and RA (Residential Agricultural District). The second request was to vacate, discontinue and close certain streets within the City. My client is an adjoining property owner to Rockydale.

The purpose of this letter is to respectfully request that the matter be continued for a period of sixty (60) days. I will outline in this letter what has transpired prior to and since the filing of the Zoning Application, as well as the reasons for this continuance request. I would respectfully ask that this request be granted.

Prior to the filing of the Application, representatives of Rockydale had, over a period of time, let it be known to my client that they were considering the filing of an Application for rezoning in order to expand the quarry. They offered to meet with my client and explain the proposal to them. My client's feeling, at that time, was that it was seriously concerned about the request but, until the details of the request were actually set out, meetings to discuss the rezoning request would not be beneficial. I think it is fair to say that my client was and still is seriously concerned about the proposal but,

Chairman and Members of the Planning Commission CITY OF ROANOKE January 13, 2005 Page 2 of 4

until the details were set forth, would not be able to appropriately evaluate the situation and express its concerns. Thus, no formal meetings were held.

Shortly after December 2, 2004, we learned of the filing of the Zoning Application. I obtained copies of the Application from the City of Roanoke. I contacted Maryellen Goodlatte, counsel for Rockydale, to discuss the matter with her. She offered an opportunity for her client to sit down with my client and explain its proposal.

At that point, my client's concern was to determine what effect the proposed rezoning would have on its property. I advised them that they needed to obtain an expert in order to evaluate the specific proposal in order to be able to respond to issues and concerns relating to the rezoning which my client had, such as noise, dust and potential damage to their property based upon the operations of Rockydale. My client then attempted to locate, through Civil Engineers, some qualified expert in order to review and evaluate the Rockydale proposal. We have contacted various entities in Virginia, North Carolina, West Virginia and Ohio in order to attempt to employ an expert. All of our efforts have been unsuccessful. The impression we got from each of these contacts was that they would not want to get involved in evaluating such a project on behalf of the adjoining property owners because of their relationship with quarry operations throughout the region. All of our efforts to secure an expert to properly evaluate this situation have met with no success.

I then contacted Maryellen Goodlatte and requested that she contact Rockydale to see if Rockydale would be willing to continue the matter for sixty (60) days so that my clients could continue in their efforts to locate an expert to properly evaluate the proposal. Ms. Goodlatte contacted her client and then advised me that her client would not voluntarily agree to a continuance for this purpose. Thus, my clients have no other option but to specifically request that the Planning Commission grant the continuance.

As the Members of the Planning Commission know, I frequently represent petitioners for rezoning within the City. I know, from past history, that petitioners want to expeditiously proceed with their rezoning requests and do not like to accept the possibility of a continuance. However, I also fully acknowledge that the Planning staff and the Planning Commission have, on many occasions, requested or approved continuances in order for all of the facts to be developed and presented before the Commission so that the Commission and City Council may make an informed decision.

I understand and acknowledge that it is very easy for someone to appear before the Planning Commission and say that they don't like a specific project and that it will have a negative and an adverse impact on their property. We could certainly do that in this case, but the request for a continuance is so that my client can attempt to find someone to properly evaluate the proposal on our behalf. Thus, we would be able to Chairman and Members of the Planning Commission CITY OF ROANOKE January 13, 2005 Page 3 of 4

appear before the Commission and City Council and give specific details as to our objections (if any). This seems to be a fair and equitable proposal in order to ensure that all of the facts are properly presented to the Planning Commission; not just the facts as presented by Rockydale. Our expert, if are able to find one, may indicate that there would be negative impacts or there may not be negative impacts to my client's property. We would simply like that opportunity.

I realize that Rockydale is a very important asset to the City of Roanoke. It has been a long-standing corporate entity and has provided many benefits to the City. However, my client has developed an apartment complex of two hundred fifty units with an assessed value of \$10,500,000.00. This is a significant piece of property in the City of Roanoke. As an adjoining property owner, my client obviously has the right to be concerned about the effects of a rezoning of the adjoining parcel of land, no matter who the owner of that property may be.

I certainly understand and respect Rockydale's desire to go forward. However, Rockydale has been, according to my clients, developing this project for a period of several years. Thus, it does not appear to me that a 60-day continuance would adversely affect Rockydale when, in fact, this proposal would provide for the use of the quarry for a period well in excess of twenty (20) years. The 60-day period would afford my client the continued opportunity to find an expert who could review the physical aspects of Rockydale's proposal and supply factual information as to whether or not it has an adverse effect, and to what extent, on my client's property. My client would agree that if we cannot find an expert who can provide a report within the 60-day period, we would request no further continuances and we would simply have to go forward with whatever information we can find on our own in that time period.

We have had the specific proposal before us for only approximately forty (40) days. That includes the Christmas and holiday season when many people are not available. In light of the City's policy to try and get all of the relevant information before it and afford all persons an opportunity to present their case (with appropriate documentation and evidence), the request for the 60-day continuance is in order.

Unfortunately, I will be out of town on the date of the Planning Commission meeting and will not be available. However, one of my associates will be present at the meeting in order to further explain this request for a continuance. I would hope that the Planning Commission, in the sense of providing everyone an opportunity to present facts, would grant this request for a continuance.

Chairman and Members of the Planning Commission CITY OF ROANOKE January 13, 2005 Page 4 of 4

Respectfully,

OSTERHOUDT, PRILLAMAN, NATT, HELSCHER, YOST, MAXWELL & FERGUSON, P.L.C.

Edward On. #

Edward A. Natt

EAN/csb

pc:

Maryellen F. Goodlatte, Esq.

Glenn Feldman Darby & Goodlatte

P. O. Box 2887 Roanoke, VA 24001

pc:

Mr. Eric Humphrey Summit at Roanoke 4500 Franklin Road Roanoke, VA 24014 2/17/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 538, 539, and 453, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, Rockydale Quarries Corporation has made application to the Council of the City of Roanoke to have Official Tax Nos. 5380106, 5380107, 5380108, 5380123, and 5380110, zoned C-1, Office District; Official Tax No. 5380125, zoned RS-1, Residential Single Family District; and Official Tax Nos. 5390110, 5390117, 5390109, 5390108, 5390106, and 5390105, zoned RS-3, Residential Single Family District, be rezoned to HM, Heavy Manufacturing District; and Official Tax Nos. 4530202, 4530203, 4530205, zoned HM, Heavy Manufacturing District, be rezoned to RA, Residential Agricultural District, subject to certain conditions proffered by the applicant;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on February 22, 2005, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and

citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 538, 539, and 453 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

Those properties located on Franklin Road, S.W., Old Rocky Mount Road, S.W., Welcome Valley Road, S.W. and Van Winkle Road, S.W. and designated on Sheet Nos. 538, 539 and 453 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax Nos. 5380106, 5380107, 5380108, 5380123, and 5380110, zoned C-1, Office District; Official Tax No. 5380125, zoned RS-1, Residential Single Family District; and Official Tax Nos. 5390110, 5390117, 5390109, 5390108, 5390106, and 5390105, zoned RS-3, Residential Single Family District, be rezoned to HM, Heavy Manufacturing District; and Official Tax Nos. 4530202, 4530203, 4530205, zoned HM, Heavy Manufacturing District, be rezoned to RA, Residential Agricultural District, subject to the proffers contained in the First Amended Petition filed in the Office of the City Clerk on January 31, 2005 and that Sheet Nos. 538, 539 and 453 of the 1976 Zone Map be changed in this respect.

2. Pu	rsuant to the provisions of Section 12 of the City Charter, the second reading
of this ordinance	e by title is hereby dispensed with.
	ATTEST:
	City Clerk.

Architectural Review Board Board of Zoning Appeals

Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Rockydale Quarries Corporation, represented

by Maryellen F. Goodlatte, attorney, that the following

streets be permanently vacated, discontinued and closed: (1)

Draper Road from its intersection with U.S. 220 North

(Franklin Road) to its terminus at Old Rocky Mount Road; (2) Old Rocky Mount Road from its terminus on the westerly side of tax parcel no. 5370109 traveling north approximately 1032.66 feet to Official Tax No. 5370106; and (3) Welcome Valley Road traveling east from its intersection with Old

Rocky Mount Road for approximately 130 feet along Official

Tax No. 5390110.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, January 20, 2005. By a vote of 6-0 (Mr. Williams absent), the Commission recommended approval of the requested closures.

Background:

The petitioner is requesting these street vacations to allow for ex pansion of its facilities. This petition is concurrent with a rezoning petition and an amendment to the Southern Hills Neighborhood Plan. A boundary adjustment between the City of Roanoke and Roanoke County, involving Official Tax Map No. 5381025 was effective on November 1, 2004, which incorporated all of the petitioner's land within the City. The boundary adjustment also included Draper Road, formerly in Roanoke County.

petitioner's land within the City. The boundary adjustment also included Draper Road, formerly in Roanoke County.

Staff stated that the issue of the vacation requests was discussed concurrently with the rezoning request petition by the same petitioner. Staff informed the Planning Commission that the conditions for the request were unique; the petitioner would have five years to fulfill the conditions.

Mr. Nick Ammar of Wetherington, Melchionna, Terry, Day, and Ammar appeared on behalf of his client, S.R. Draper Paving Company. He stated his client was asking for a 60 day continuance in order for Rockydale to consider alternatives that would not remove the access to Draper Road for Draper Paving Company customers. Mr. Ammar said that his client has used Draper Road for access from Route 220 for 60 years, and that its vacation would force them to use an inconvenient route. He said that his client was also concerned that placement of a traffic signal at the intersection of Old Rocky Mount Road and Route 220 might present a serious danger at the intersection because it would back up traffic along Route 220.

Mr. Butler asked Mr. Ammar if his clients had discussed the concerns with the petitioner. Mr. Ammar said he thought there had been some discussions over a period of time, and that his client felt there were other alternatives to vacating Draper Road.

Mrs. Goodlatte said that discussions were held over a long period of time between her client and Draper Paving, in which her client had hoped that Draper Paving would become part of the Rockydale campus. Mrs. Goodlatte advised that Draper Paving would have access to Route 220 and that access would be improved because of the traffic signal proposed for the intersection. She also said that the signal issue had been studied by Wilbur Smith and Associates and VDOT was convinced that a signal was warranted. Mrs. Goodlatte further stated that the truck traffic exiting the quarry would not have a signal, but the Draper Paving traffic would have a signal, improving their traffic pattern.

Mr. Butler asked Mr. Ammar what a continuance would do to solve the objection. Mr. Ammar said that he thought it might allow his client time to reconsider the negotiation. He said that his client was concerned it had become essentially isolated.

Considerations:

The petitioner's properties that are currently in use are zoned HM, Heavy Manufacturing. The petitioner has also petitioned to rezone Official Tax Map Nos. 5380106, 5380125, 5380107, 5380108, 5380123, 5380110, 5390110,

5390117, 5390109, 5390108, 5390106, and 5390105 to HM, Heavy Manufacturing District. The petitioner's properties are adjoined by residential uses and a church on Welcome Valley Road.

The petitioner has proposed the following uses of the vacated rights-of-way:

- Draper Road: Draper Road will become a private means of ingress/egress for the petitioner
- Old Rocky Mount Road: The vacated portion of Old Rocky Mount Road will be used as part of the petitioner's expansion.
- Welcome Valley Road: The petitioner agrees to realign Welcome Valley Road and dedicate it to the City, after which the subject portion of right-of-way will be vacated.

In addition to realigning Welcome Valley Road, the petitioner has agreed to install a traffic signal at Old Rocky Mount Road and U.S. Route 220. In doing so the petitioner will be required to follow the regulatory process in compliance with the VDOT standards.

Public sewer and water serve the area. Staff received comments from the Western Virginia Water Authority, which advised that water and sewer lines are in the subject portion of Welcome Valley Road. The petitioner will be required to relocate these lines in conjunction with the realignment of Welcome Valley Road.

Staff received comments from AEP and Roanoke Gas. The latter has facilities in the area and stated that it needs to maintain an easement on Old Rocky Mount Road.

AEP staff has met with the petitioner to discuss relocation of its facilities with the expansion of the petitioner's operation. AEP has advised that it has no objection to the petitioner's request, provided that the petitioner agrees to relocate its facilities in a manner satisfactory to AEP's staff, and at the petitioner's expense.

The Department of Real Estate Valuation assessed the value of the rights-of-way to be between \$.25 and \$.30 per square foot. The total value for all of the rights-of-way is between \$25,103 and \$30,121. The value for each street individually is:

- Draper Road \$11,150 \$13,380
- Old Rocky Mount Road \$12,960 \$15,550
- Welcome Valley Road \$993 \$1,191

The petitioner, in conjunction with VDOT and Wilber Smith Associates, the petitioner's traffic engineers for the project, estimate the total cost of improvements at \$272,500 based on the following:

- Signalization of Old Rocky Mount Road \$185,000
- Realignment of Welcome Valley Road \$87,500

Recommendation:

By a vote of 6-0, the Planning Commission recommends approval of the petitioner's request to vacate, discontinue and close the subject portions of rights-of-way, subject to the conditions listed below and further recommends that the petitioner not be charged for these vacated rights-of-way due to the improvements that the petitioner will be required to provide and then dedicate to the City and VDOT.

Prior to acquiring the said rights-of-way, the petitioner must fulfill the following at its sole expense:

- A. Realign the intersection of Welcome Valley Road with Old Rocky Mount Road as approximately shown on the plat labeled Exhibit B-3, attached to the petition filed in the Office of the City Clerk on December 2,2004, subject to review and approval by the City of Roanoke:
- B. Signalize the intersection of Old Rocky Mount Road with U.S. Route 220 (Franklin Road), subject to those requirements as may be imposed by the Virginia Department of Transportation and/or the City of Roanoke; and
- C. Relocate public utilities within the vacated portions of Old Rocky Mount Road, Draper Road and Welcome Valley Road as required by the City of Roanoke and the affected utilities and authority.
- D. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

- E. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- F. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- G. If the above conditions have not been met by February 22, 2010, then said ordinance shall be null and void with no further action by City Council being necessary.

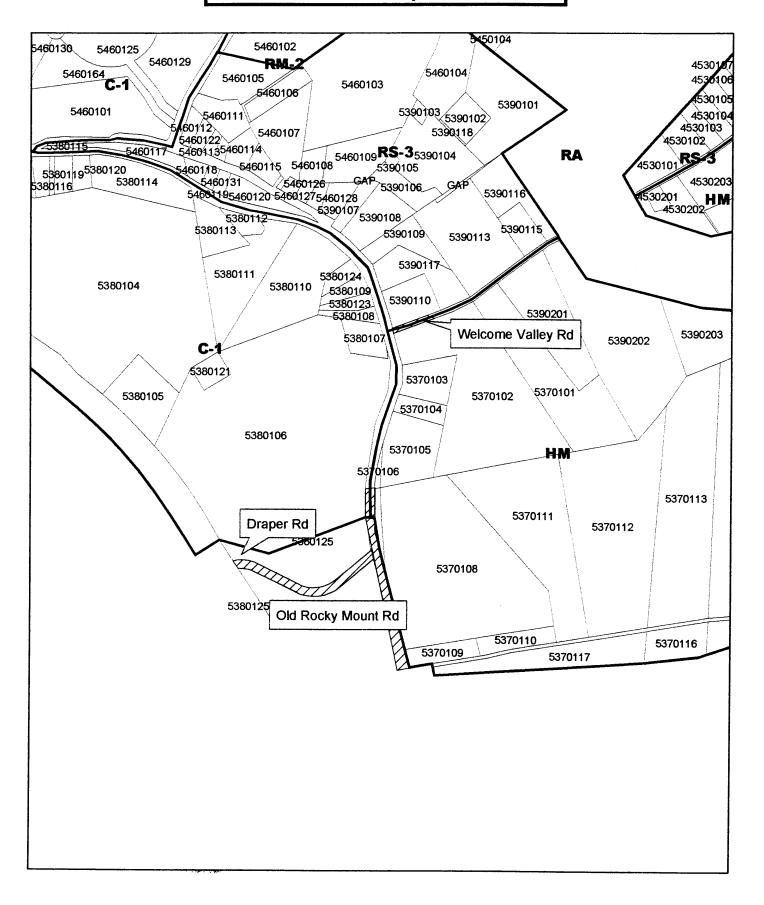
Respectfully submitted,

Richard A. Rife, Chairman City Planning Commission

Richard A. Rife PROT

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Maryellen Goodlatte, Attorney for the petitioner

Street Closures: Draper Rd, Old Rocky Mount Rd & Welcome Valley Rd, S.W.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Petition of Rockydale Quarries Corporation for vacation of the following streets:

Draper Road from its intersection with U.S. 220 North (Franklin Road) to its terminus at Old Rocky Mount Road;

Old Rocky Mount Road from its terminus on the westerly side of tax parcel number 5370109 traveling north a distance of 1032.66 feet to tax parcel number 5370106; and

Welcome Valley Road from its intersection with Old Rocky Mount Road traveling east an approximate distance of 130.00 feet along tax parcel number 5390110.

PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

Petitioner, Rockydale Quarries Corporation ("Rockydale") applies to have the following streets and roads permanently vacated, discontinued and closed, pursuant to Virginia Code § 15.2-2006, as amended and § 30-14, Code of the City of Roanoke (1979), as amended:

Draper Road from its intersection with U.S. 220 North (Franklin Road) to its terminus at Old Rocky Mount Road;

Old Rocky Mount Road from its terminus on the westerly side of tax parcel number 5370109 traveling north a distance of 1032.66 feet to tax parcel number 5370106; and

Welcome Valley Road from its intersection with Old Rocky Mount Road traveling east an approximate distance of 130.00 feet along tax parcel number 5390110.

The streets to be vacated are more particularly described on Exhibit A. Plats showing the requested vacations are attached hereto as Exhibit B-1 (Draper Road), B-2 (Old Rocky Mount Road), and B-3 (Welcome Valley Road).

Rockydale is the owner of property on both sides of Draper Road affected by this petition.

Rockydale is the owner of property on both sides of Old Rocky Mount Road to its point of vacation affected by this petition. Rockydale is the owner of property on both sides of Welcome Valley Road to its point of vacation. Rockydale desires to use the property to be vacated as follows:

- (a) Draper Road will continue to be a right-of way, but it will be private, rather than public, serving as the exclusive means of ingress and egress for truck traffic using the quarry (except for Draper Paving, which will continue to have access on the public portion of Old Rocky Mount Road);
- (b) the vacated portion of Old Rocky Mount Road will be used in connection with the quarry operations of Rockydale as more fully described in the rezoning petition filed by Rockydale this day; and
- the vacated portion of Welcome Valley Road will be included within the 30' earthen landscaped berm being constructed by Rockydale to mitigate views, as more fully described in the rezoning petition filed by Rockydale this day, and as illustrated on the Rockydale Quarry Expansion Berm Planting plan dated December 1, 2004 prepared by Hill Studio, a copy of which is attached as Exhibit C-1 and C-2.

As conditions to the requested vacation, Rockydale understands that it must:

- 1. Realign the intersection of Welcome Valley Road with Old Rocky Mount Road as approximately shown on the plat attached hereto as Exhibit B-3, subject to review and approval by the City of Roanoke.
- 2. Signalize the intersection of Old Rocky Mount Road with U.S. 220 (Franklin Road), subject to those requirements as may be imposed by VDOT and/or the City of Roanoke.

3. Relocate public utilities within the vacated portions of Old Rocky Mount Road,
Draper Road and Welcome Valley Road as required by the City of Roanoke and the affected
utilities.

4. Comply with all VDOT requirements once Draper Road changes its status from a public road to a private road, including, if required, a commercial entrance permit.

These infrastructure improvements will be at the expense of Rockydale and will permit trucks accessing Rockydale to use the vacated Draper Road as the source of ingress and egress to Rockydale's quarry. This will have the result of separating truck and automobile traffic along Old Rocky Mount Road, except for operations associated with Draper Paving, which will continue to have access on the public portion of Old Rocky Mount Road.

WHEREFORE, Rockydale respectfully requests that the above described streets and roads be vacated by the Council of the City of Roanoke, Virginia in accordance with Virginia Code § 15.2-2006, as amended, as § 30-14, Code of the City of Roanoke (1979), as amended.

This Petition is respectfully submitted this day of December, 2004.

Respectfully submitted,

Rockydale Quarries Corporation

By: Marillan F. Doodlalls
Of Counsel

Maryellen F. Goodlatte, Esq.

Glenn, Feldmann, Darby & Goodlatte

210 1st Street, S.W., Suite 200

P. O. Box 2887

Roanoke, Virginia 24001-2887

(540) 224-8018 - Telephone

(540) 224-8050 - Facsimile

Rockydale Quarries Corporation, a Virginia corporation, owner of the property subject to this petition hereby consents to this petition to vacate.

ROCKYDALE QUARRIES CORPORATION

its:

Exhibit A

Metes and Bounds Description for Draper Road Vacation

The following is a deed description for a 1.024 acre parcel being portion of Draper Road to be vacated. The description is as follows:

BEGINNING at Corner #1, said point located on the easterly right-of-way of Franklin Road (U.S. Route 22), said point also located on the northerly right-of-way of Draper Road; thence leaving Franklin Road and with Draper Road and the southerly boundary of Rockydale Quarries Corporation, Roanoke City Tax #5380125, for the following 5 courses; thence with a curve to the right, which said curve is defined by a delta angle of 40° 59' 06", a radius of 200.00 feet, an arc length of 143.06 feet, a chord of 140.03 feet and bearing S 83° 57' 48" E, to Corner #2; thence S 63° 28' 15"E, 263.32 fee to Corner #3; thence with a curve to the left, which said curve is defined by a delta angle of 66° 29' 46", a radius of 200.00 feet, an arc length of 232.12 feet, a chord of 219.31 feet and bearing N 83° 16' 52" E, to Corner #4; thence N 50° 01' 59" E, 263.22 feet to Corner #5; thence S 09° 02' 40" E, 3.44 feet to Corner #6, said point located on the westerly rightof-way of Rocky Mount Road; thence leaving Rockydale Quarries Corporation and with the terminus of Draper Road with Old Rocky Mount Road, S 14° 38' 25" E, 52.05 feet to Corner 7; thence leaving Old Rocky Mount Road and with the southerly right-of-way of Draper Road and property of Rockydale Quarries Corporation, Roanoke City Tax #5380125, for the following 4 courses; thence S 50° 01' 59" W, 239.18 feet to Corner #8; thence with a curve to the right, which said curve is defined by a delta angle of 66° 29' 46", a radius of 250.00 feet, an arc length of 290.14 feet, a chord of 274.13 feet and bearing S 83° 16' 52" W, to Corner #9; thence N 63° 28' 15" W, 263.32 feet to Corner #10; thence with a curve to the left, which said curve is defined by a delta angle of 34° 17' 05", a radius of 150.00 feet, an arc length of 89.76 feet, a chord of 88.42 feet and bearing N 80° 36' 48" W, to Corner #11, said point located on the easterly right-of-way of Franklin Road (U.S. Route 220), and said point being the intersection of Draper Road and U.S. Route 220; thence continuing with Franklin Road, N 33° 23' 15" W, 53.94 feet to Corner #1, the place of BEGINNING and containing 44,598 square feet (1.024 acres) as more particularly shown on Exhibit prepared by Lumsden Associates, P.C. dated November 4, 2004.

EXHIBIT A

Metes and Bounds Description for Old Rocky Mount Road Vacation

The following is a deed description for a 1.190 acre parcel being portion of Old Rocky Mount Road to be vacated. The description is as follows:

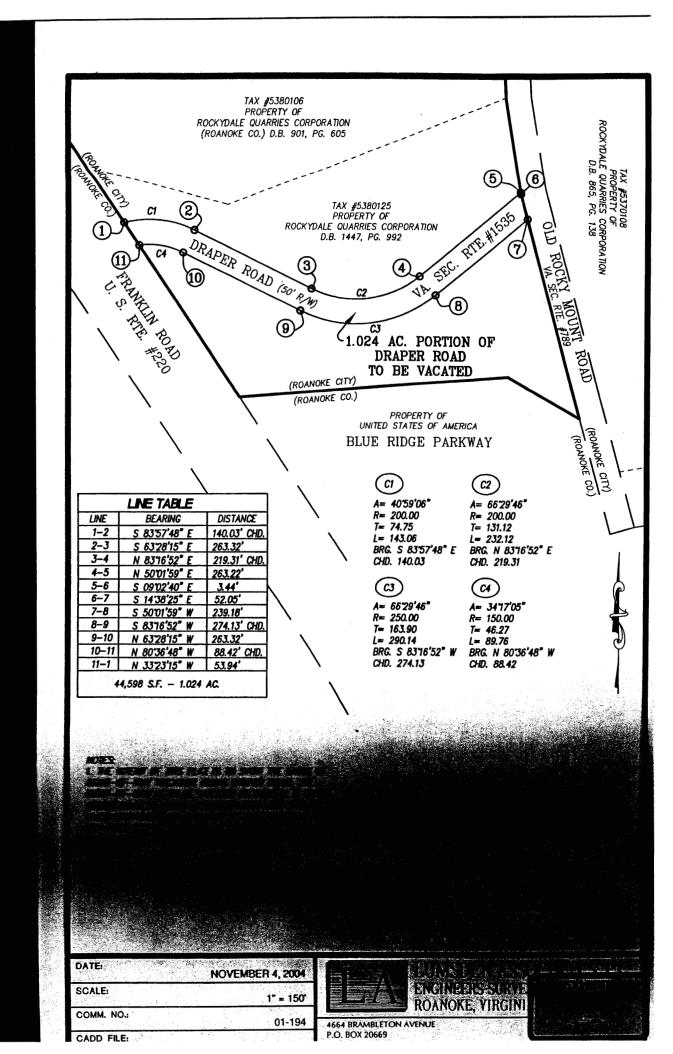
BEGINNING at Corner #1, said point located on the westerly right-of-way of Old Rocky Mount Road (Va. Secondary Route #789), said point also being the terminus of said road with the Blue Ridge Parkway; thence leaving Blue Ridge Parkway and continuing with the westerly right-of-way of Old Rocky Mount Road for the following 4 courses; thence N 14° 55' 40" W, passing the northeasterly corner of property of United States of America (Blue Ridge Parkway) at approximately 250 feet in all 285.90 feet to Corner #2; thence N 14° 38' 25" W, 421.08 feet to Corner #3, said point located at the northwesterly intersection of Draper Road and Old Rocky Mount Road; thence continuing with Old Rocky Mount Road and leaving Draper Road, N 09° 02' 40"W, 188.31 feet to Corner #4. said point being the northeasterly corner property of Rockydale Quarries, Corporation, Roanoke City Tax #5380125, and also being the southwesterly corner of property of Rockydale Quarries Corporation, Roanoke City Tax #5380106; thence continuing with Old Rocky Mount Road and leaving Rockydale Quarries Corporation Roanoke City Tax #5380125, N 01° 42' 40" W, 134.47 feet to Corner #5, said point located at the proposed terminus of that portion of Old Rocky Mount Road to be vacated; thence with a curve on the proposed cul-de-sac at end of Old Rocky Mount Road with a curve to the left which said curve is defined by a delta angle of 84° 47' 03", an arc of 81.39 feet, a radius 55.00 feet, a chord of 74.16 feet and bearing N 40° 40' 51" E, to Corner #6, said point being the southwesterly corner of property of S. R. Draper Paving Company, Roanoke City Tax #5370105, said point also located on the easterly right-of-way of Old Rocky Mount Road, also said point being the westerly boundary of property of Rockydale Quarries Corporation, Tax #5370107; thence leaving S. R. Draper Paving Company and with the easterly right-of-way of Old Rocky Mount Road and with Rockydale Quarries for the following 4 courses; thence S 01° 42' 40" E, 186.04 feet to Corner #7; thence S 09° 02' 40" E, 182.66 feet to Corner #8; thence S 14° 38' 25" E, passing the northwesterly corner of property of Rockydale Quarries Corporation, Roanoke City Tax #5370108 at approximately 100 feet, in all 418.51 feet to Corner #9; thence continuing with easterly side of Old Rocky Mount Road, S 14° 55' 40" E, 285.77 feet passing the northwesterly corner of property of Rockydale Quarries Corporation, Roanoke City Tax # 5370109 at approximately 168 feet in all 285.77 feet to Corner #10, said point located on the terminus of Blue Ridge Parkway; also said point being the southwesterly corner of Rockydale Quarries, Roanoke City Tax #5370109; thence leaving Rockydale Quarries Corporation and with Blue Ridge Parkway, S 75° 04' 20"W, 50.00 feet to Corner #1, the place of BEGINNING and containing 51,836 square feet (1.190 ac.) as more particularly shown on Exhibit prepared by Lumsden Associates, P.C. dated November 3, 2004.

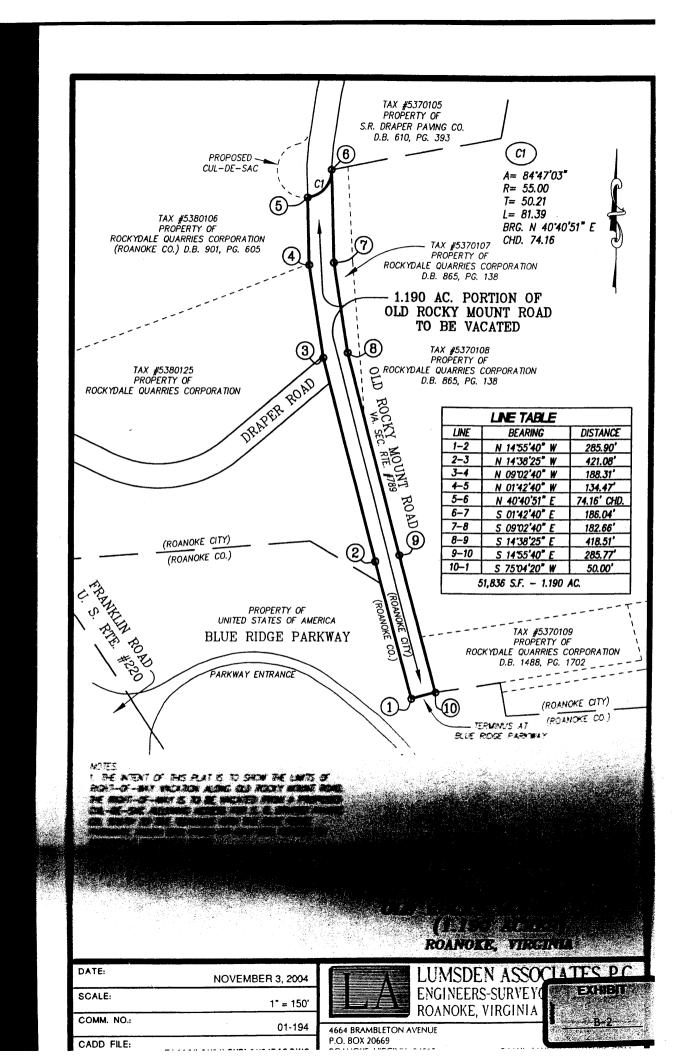
EXHIBIT A

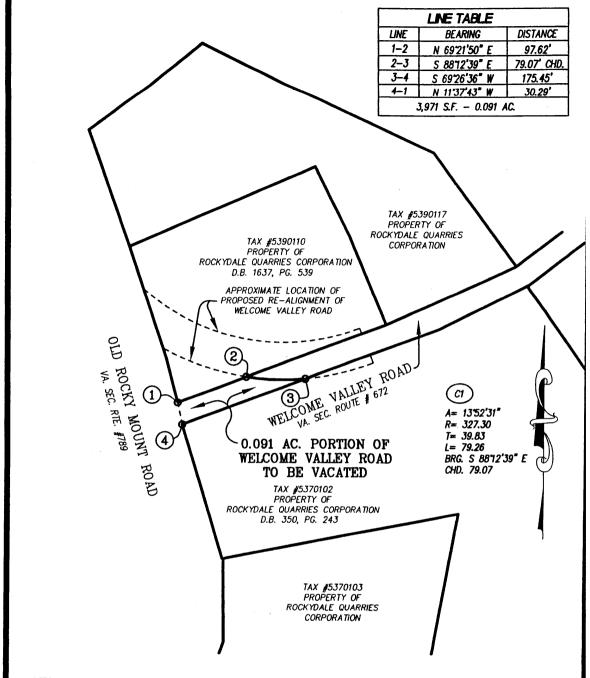
Metes and Bounds Description for Welcome Valley Road Vacation (approximate)

The following is a deed description for a 0.091 acre parcel being portion of Welcome Valley Road to be vacated. The description is as follows:

BEGINNING at Corner #1, said point located on the northerly right-of-way of Welcome Valley Road (Va. Route 672), said point also located on the easterly right-of-way of Old Rocky Mount Road; thence leaving Old Rocky Mount Road and with Welcome Valley Road and the southerly boundary of Rockydale Quarries Corporation, Roanoke City Tax #5390110, N 69° 21' 50" E, 97.62 feet to Corner #2; thence with a curve on the southerly proposed right-of-way re-alignment of Welcome Valley Road, which said curve is defined by a delta angle of 13° 52' 31", a radius of 327.30 feet, an arc length of 79.26 feet, a chord of 79.07 feet and bearing S 88° 12' 39" E, to Corner #3; said point being located on the southerly right-of-way of Welcome Valley Road; thence with the southerly right-of-way of Welcome Valley Road; thence with the southerly right-of-way of the southerly right-of-way of Welcome Valley Road and the intersection of Old Rocky Mount Road; thence with Old Rocky Mount Road N 11° 37' 43" W, 30.29 feet to the place of BEGINNING and containing 3,971 square feet (0.091 acres) as more particularly shown on Exhibit prepared by Lumsden Associates, P.C. dated November 5, 2004.







1. THE INTENT OF THIS PLAT IS TO SHOW THE APPROXIMATE LIMITS OF RIGHT-OF-WAY VACATION ALONG WELCOME VALLEY ROAD. THE RIGHT-OF-WAY IS TO BE VACATED FROM THE INTERSECTION OF OLD ROCKY MOUNT ROAD EAST FOR APPROXIMATELY 130 FEET, WHICH SAID RIGHT-OF-WAY WILL REVERT TO ROCKYDALE QUARRIES,

2. THIS PLAT WAS PREPARED FROM ROANOKE CITY TAX RECORDS AND MAPS.

F:\2001\01194\SUR\VAC-WELCOMEVALLEY.DWG

EXHIBIT SHOWING THE PROPOSED VACATION OF APPROXIMATELY 130.00' OF WELCOME VALLEY ROAD (0.091 ACRES)ROANOKE COUNTY, VIRGINIA

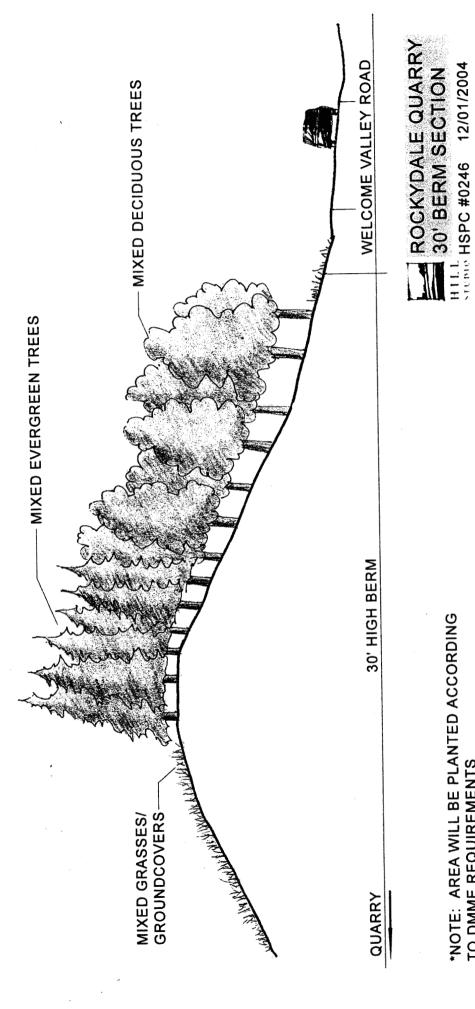
DATE: LUMSDEN ASSOCIATES, P.O. NOVEMBER 5, 2004 **ENGINEERS-SURVEY** SCALE: 1" = 100 ROANOKE, VIRGINIA COMM. NO.: 01-194

4664 BRAMBLETON AVENUE P.O. BOX 20669 **ROANOKE, VIRGINIA 24018**

E-MAIL: MA

GLOPING BUILDING

EXHIBIT



*NOTE: AREA WILL BE PLANTED ACCORDING TO DMME REQUIREMENTS





IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-ofway in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

WHEREAS, Rockydale Quarries Corporation filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public rights-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on February 22, 2005, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public rights-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public rights-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public rights-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of Draper Road from its intersection with U.S. 220 North (Franklin Road) to its terminus at Old Rocky Mount Road;

that portion of Old Rocky Mount Road from its terminus on the westerly side of tax parcel number 5370109 traveling north a distance of 1032.66 feet to tax parcel number 5370106; and

that portion of Welcome Valley Road from its intersection with Old Rocky Mount Road traveling east an approximate distance of 130.00 feet along tax parcel number 5390110

be, and are hereby permanently vacated, discontinued and closed, upon the meeting of all of the conditions set forth in this ordinance, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the rights-of-way as of the effective date of closure, reserving however, to the City of Roanoke and any utility company or public authority, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public rights-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public rights-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that closure of the subject rights-of-way shall be subject to the following three (3) conditions:

- 1. Applicant shall, at its sole expense, realign the intersection of Welcome Valley Road with Old Rocky Mount Road as approximately shown on the plat labeled Exhibit B-3, attached to the petition filed in the Office of the City Clerk on December 2, 2004, subject to review and approval by the City of Roanoke;
- 2. Applicant shall, at its sole expense, signalize the intersection of Old Rocky Mount Road with U. S. 220 (Franklin Road), subject to those requirements as may be imposed by the Virginia Department of Transportation and/or the City of Roanoke; and
- 3. Applicant shall, at its sole expense, relocate public utilities within the vacated portions of Old Rocky Mount Road, Draper Road and Welcome Valley Road as required by the City of Roanoke and the affected utilities and Authority.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the rights-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, and showing the realignment of Welcome Valley Road, referenced above.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all of the conditions in this ordinance, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and

charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke,

BE IT FURTHER ORDAINED that if all of the above conditions, including the various filing requirements, are met, the closure shall be effective upon the filing of the subdivision plat identified above.

Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met by February 22, 2010, then this ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Approval of Enterprise Zone One A and Enterprise Zone Two and its Subzone Amendment Applications and Amendments to Ordinances No. 35820-041502 and 36782-071904

Background:

Since the approval of Enterprise Zone One A, retroactive to January 1, 2004, certain events have necessitated an amendment to the zone boundary and certain local zone incentives. The Zone One A boundary amendment is to include the addition of the East End Shops, Parkside Plaza in Southeast Roanoke and approximately 100 acres along the east side of Williamson Road south of Elm Avenue. Adding these properties, some of which are in the flood plain, could stimulate additional opportunities for revitalization where buildings are currently vacant or underutilized. Maps showing such boundary amendment are attached hereto and will also be on file in the City Clerk's Office. (Attachment 1)

The City further proposes amending local incentives for both Enterprise Zone One A and Enterprise Zone Two and its Subzone to cap the local incentives providing grants through the Industrial Development Authority of the City of Roanoke, Virginia (IDA) for water, sewer and fire hookup fees. Such

Honorable Mayor Harris and Members of City Council Page 2 February 22, 2005

amendments are needed due to the assumption of all assets associated with water and sewer by the Western Virginia Water Authority (WVWA) on July 1, 2004, since the WVWA now sets all such fees and receives all revenue there from. The limit for the maximum amount of such hookup fees is equal to the amounts recently adopted by the WVWA. Copies of the two Enterprise Zone Amendment Applications are attached to this letter which contains the maximum amounts to be allowed. (Attachment 2) Furthermore, as part of the amendment to Enterprise Zone Two and its Subzone, such local incentives will be by grants through the IDA as opposed to the former rebates since the City no longer receives such fees. Copies of the current local incentives referred to above and the two ordinances containing the amended local incentives are also attached for reference. (Attachment 3) Ordinance Nos. 35820-041502 and 36782-071904 need to be amended to reflect such changes.

Ordinance No. 35820-041502 needs to be amended to extend the period of availability of all local incentives, as amended, for Enterprise Zone Two and its Subzone from June 30, 2007, through December 31, 2015.

In accordance with the Department of Housing and Community Development's Virginia Enterprise Zone Program regulations, the local governing body must hold at least one public hearing affording citizens or interested parties an opportunity to be heard on such matters before submitting an amendment application to the department for consideration. Such public hearing will be held at Council's regular meeting on February 22, 2005. The amendments mentioned above are subject to approval by the Virginia Department of Housing and Community Development (VDHCD).

Recommended Action:

Lacking comments at the public hearing that would require further consideration, City Council adopt the appropriate measures, including the amendment of the ordinances mentioned above, to extend the boundary of Enterprise Zone One A and to amend certain local incentives for Enterprise Zone One A and Zone Two and its Subzone, subject to approval by the VDHCD, with an effective date of April 1, 2005, for the amended local incentives, all as set forth above. Furthermore, City Council authorize the City Manager to apply to the VDHCD for approval of the above mentioned amendments and to take such further action and/or to execute such additional documents as may be needed to obtain or confirm such amendments and to establish appropriate rules and regulations as may be needed to implement and administer such local incentives once approved.

Honorable Mayor Harris and Members of City Council Page 3 February 22, 2005

Amend Ordinance Nos. 35820-041502 and 36782-071904 to reflect such changes.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:lb

Attachments

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
R. Brian Townsend, Acting Director of Economic Development
Sherman M. Stovall, Director of Management and Budget

CM05-00017

Attachment 1

<u>Attachment 1</u> consists of four (4) maps showing the boundary amendment and are located at the back of <u>Attachment 2</u>, entitled "Application For Enterprise Zone Amendment, Form EZ-2, The Virginia Enterprise Zone Program, Enterprise Zone One A, Virginia Enterprise Zone #5"

Attachment 2

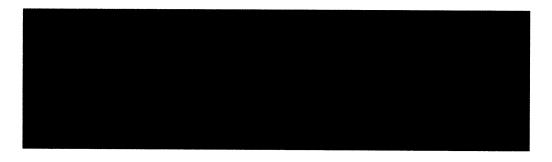
Attachment 2 consists of:

"Application For Enterprise Zone Amendment, Form EZ-2, The Virginia Enterprise Zone Program, Enterprise Zone One A, Virginia Enterprise Zone #5";

and

"Application For Enterprise Zone Amendment, Form EZ-2, The Virginia Enterprise Zone Program, Enterprise Zone Two and Its Subzone, Virginia Enterprise Zone #42"





APPLICANT LOCALITY:City of	Roanoke
Name of Zone:Enterprise	Zone One A
Virginia Enterprise Zone #	5

Virginia Department of Housing and Community Development 501 North Second Street Richmond, Virginia 23219 (804) 371-7030 EZONE@dhcd.virginia.gov www.dhcd.virginia.gov



A. Locality: City of Roanoke B. Date: 2/23/05		
C. Chief Administrator: Darlene Burcham, City Mgr	Phone: 540-853-2333	
D. Designated Contact Person: Linda Bass	Phone: 540-853-2716	
E. Address: 111 Franklin Plaza Suite 200 Roanoke, VA 24011		
F. Check One: _x_Single Application Joint Application		
G. List other participating localities below:		
	····	
H. What was the last Annual Report submitted (for what rep	orting year)?_2003	
Non-contiguous Sub Zone This zone currently has a non-contiguous sub zone This zone does not have a non-contiguous sub zone, but non-contiguous sub zonexYesNo This amendment proposes to add a non-contiguous sub zone. NOTE: Only one non-contiguous sub zone is allowed in a many zones the locality has.	another zone in this locality has a cone to this zoneYes _x_No	

II A. Purpose of Amendment: Check the type of amendment and briefly explain why the amendment is being requested and what is to be accomplished by the approval. In this discussion, briefly describe how the enterprise zone modification fits into the locality's overall community and economic development strategy. (**Limit to one page.**)

X_Boundary Addition	x_ Incentive Amendment
Boundary Deletion	Goals/Objectives/Strategies/Actions

This amendment is being requested to broaden Enterprise Zone One A to include sites needing redevelopment and to modify an existing incentive due to the creation of a regional water authority. The goal of redevelopment, particularly in areas of the flood plain, requiring flood-proofing, versus development on green spaces not in the flood plain, is usually not cost effective. Two of the areas to be added are located in the flood plain. Overlaying such an area with Enterprise Zone benefits would not only make redevelopment more attractive, but also meet certain policies and objectives of the Roanoke Vision 2001 – 2020, the City's comprehensive plan.

"Retaining existing jobs and attracting new jobs are equally important factors in Roanoke's economic stability. Each relies not only on defining costs and benefits of doing business, but also on maintaining and selling the City and region as an attractive place to live and work. Similarly, enhancing Roanoke's livability requires the continuing expansion of personal wages and public revenues to pay for these critical amenities." This quote is from the first goal listed in the plan. As part of this goal, the City developed certain policies, among them, "[u]nderutilized and vacant industrial sites will be evaluated and redevelopment encouraged", and "Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors."

In the following pages are delineated the areas the City needs to add to Enterprise Zone One A. One of the areas is a commercial strip mall experiencing major vacancies. Adding this area to the zone would relate to two of the actions in the comprehensive plan, namely "ED A26. Identify underutilized commercial sites and promote revitalization" and "ED A30. Develop incentives and programs to encourage redevelopment activities that create attractive commercial corridors that address strip development and underutilized commercial centers."

The incentive regarding water, sewer and fire hookups must be modified due to the creation of the Western Virginia Water Authority on July 1, 2004. The City no longer receives payments for these hookups. Those fees are now paid to the Authority. With costs for these hookups no longer under the control of the City, it is imperative the City cap the charges for the grants to be provided under this incentive through the Industrial Development Authority of the City of Roanoke (IDA). For further information on these caps, see Section V.





II B. Location and Boundaries: Provide a list of all 2000 U. S. Census tracts and block groups comprising the existing enterprise zone area and the zone areas to be added and/or deleted according to the census tracts in which they are located. If only a portion of a block group is included in the current area or area to be deleted, list the block group followed by an asterisk to indicate that it is a partial block. In a joint application, indicate the locality in which each block group is located.

Existing	<u>Added</u>	Deleted
1:2*		
3:1*, 2*, 3*		
4:2*, 3*, 4*		
5:1*, 2*, 3*, 4*, 5*		
6:1*	6:1*	
7:2*		
8:1*, 2*, 3*		
9:1*, 2*, 3*, 4*		
10:1*, 2*, 3*		
11.1*		
13:1*, 2*, 3*, 4*, 5*	13:5*	
14:3*	14:1*	
18:2*		
19:1*, 3*, 4*		
22:2*		

II C. Population Characteristics: Use the 2000 Census data or data available from the Center for Public Service or the appropriate Planning District Commission. Data is requested for the current zone area, proposed zone area to be added and/or deleted. (See page 11 of the instruction manual.)

	CURRENT ZONE	PROPOSED ADDITION	PROPOSED DELETION	TOTAL
Total Population	38,661	1,335		39,996
2. Total Households	16,534	631		17,165
Total Civilian Labor Force	18,281	596		18,877
4. # of Civilian Labor Force Unemployed	1,409	50		1,459
5. % of Civilian Labor Force Unemployed	7.7%	0		7.7%

6. Median Household Income: (Entire Jurisdiction) \$ 30,719

Zone Households with Incomes Below 80% of Medium Income:

- 7. Number: 8,266
- 8. Percent: 62%





II D. Floor Vacancy Rate: Complete only if applicant chooses to meet the distress criteria requirement through the 20 percent floor vacancy rate in industrial and/or commercial property option. Commercial and industrial vacancy rates may be available through real estate firms but are not generally broken out by census tracts and block groups. Applicants choosing this option will have to have a survey and analysis of rates completed by the local Planning District Commission.

- 1. ____%
- 2. Source of Methodology: Not applicable
- 3. Explanation of methodology: (Attach additional pages if needed.)





II E. Land Area: If areas are NOT being added or deleted, leave this blank:

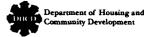
1.	Current zone size in acres	1,702.402	
2.	Proposed addition size in acres	196.422	
3.	Proposed deletion size in acres		
	Total Acres	1,898.824	
3.	Jurisdiction's total land area in acres	27,520.000	
4	Jurisdiction's total 2000 population	94 911	

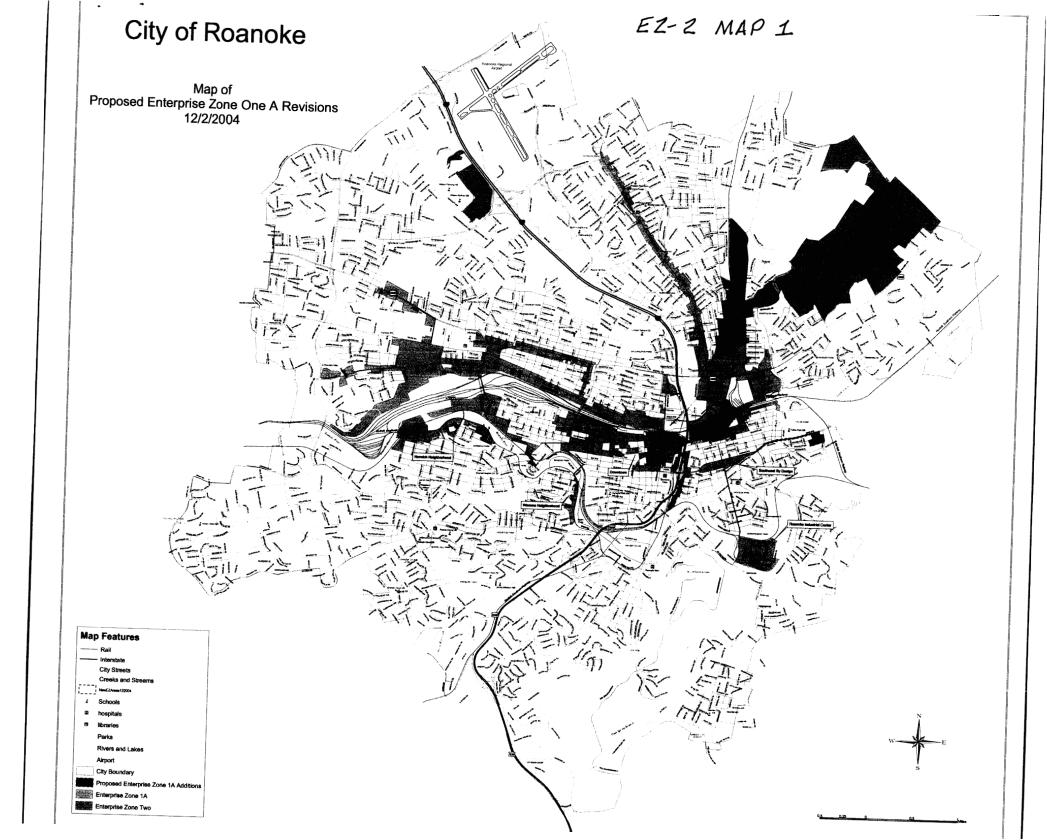
II. F. Map Requirements: The following maps are required ONLY if adding or deleting boundaries. (See page 13 of the instruction manual.) Jurisdictional boundaries and major arteries must be identified and labeled on all maps. Any specific neighborhoods, industrial parks, commercial centers, or project areas that will be discussed in the amendment application should also be identified on the maps. The attached maps must be no larger than 11 by 17.

Formatted: Bullets and Numbering

- 1. Map showing the existing zone area and proposed zone area boundaries to be added and/or deleted (see instructions) with a break down of existing land uses. Please indicate the current zone boundary with a solid line, the proposed expansion area with a dashed line. If an area is to be deleted please shade this area. Indicate on this map total zone acreage and the approximate number of acres devoted to each type of use (see instructions). Label this map EZ -2 Map 1.
- Map of the existing zone and proposed zone area showing the boundaries of the
 existing zoning districts. Label this map EZ-2 Map 2. If there is zoning, include
 Map 2.



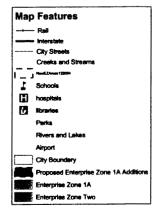




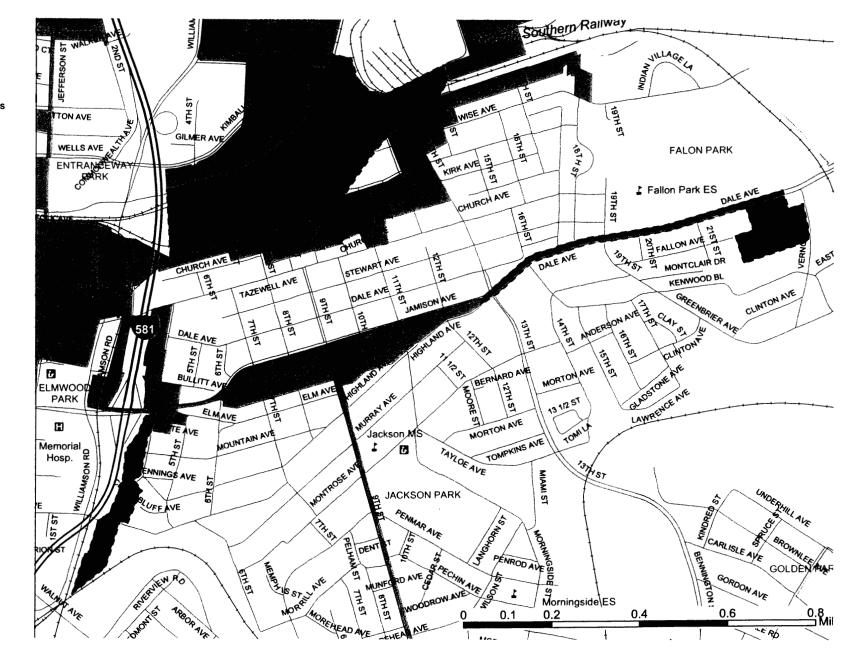
·City of Roanoke

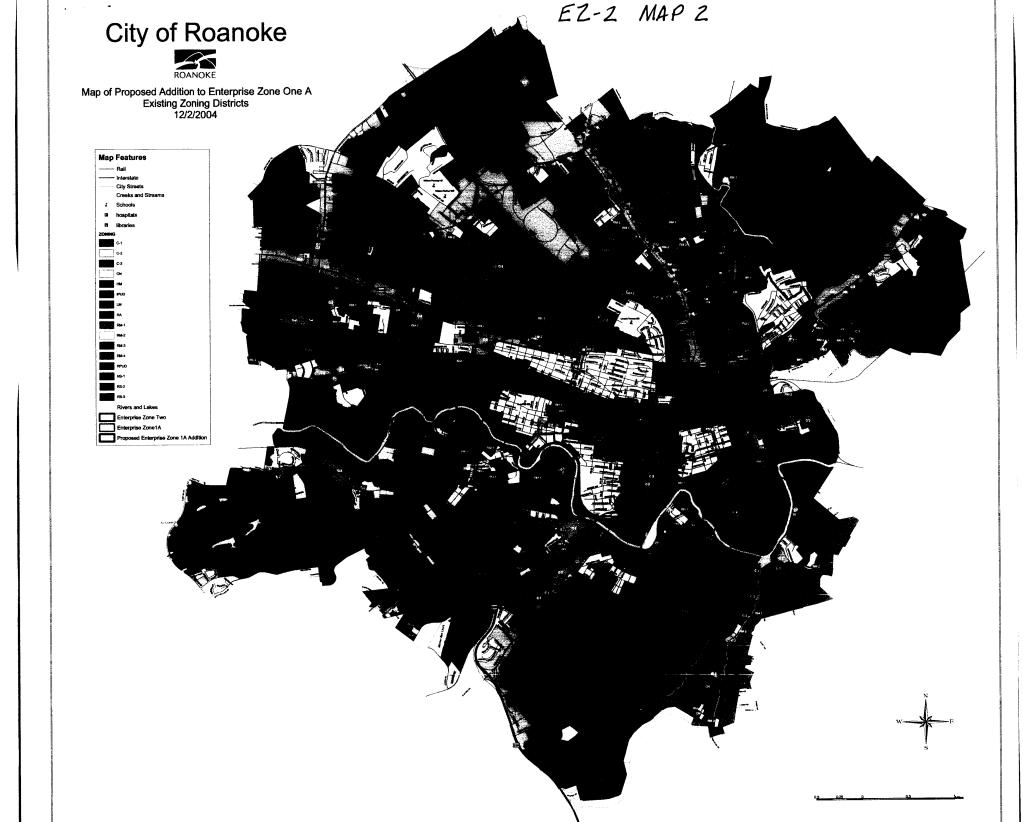


Map of Proposed Enterprise Zone One A Revisions 12/2/2004







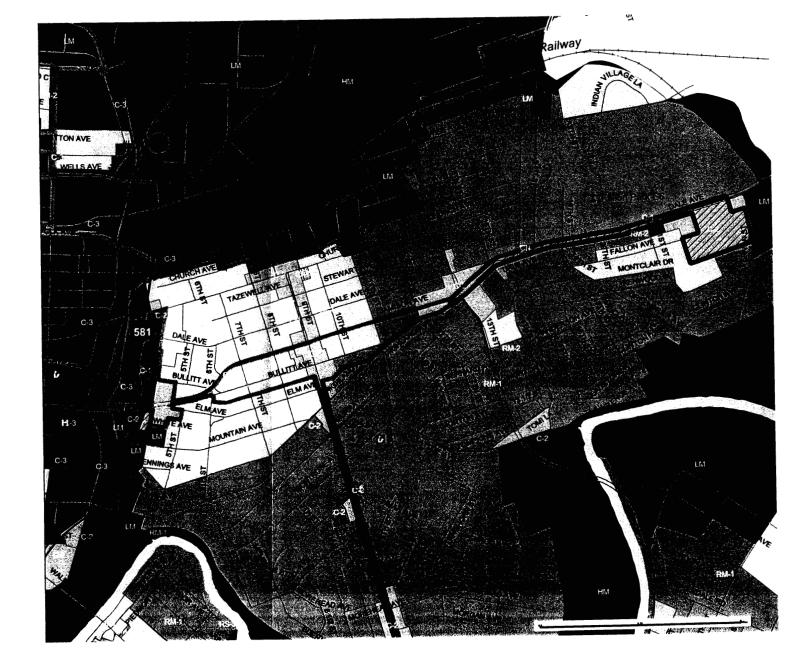




Map of Proposed Addition to Enterprise Zone One A Existing Zoning Districts 12/2/2004

Map	Features
 ——	Rail
	Interstate
	City Streets
	Creeks and Streams
1	Schools
(E)	hospitals
	libraries
ZONIN	3
	C-1
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] CN
	нь
	PUD
	ш
	RA.
	PM-1
	PM-2
	PSM-3
	RM-4
	RPU0
	RS-1
	R5-2
	RS-3
	Rivers and Lakes
	Enterprise Zone Two
	Enterprise Zone1A
77	Proposed Enterprise Zone 1A Addition





III A. Conditions in the Expanded Area: Briefly describe only the current conditions within the expanded enterprise zone area emphasizing economic, physical, and social factors that are unique. List any revitalization efforts that have been undertaken within the expanded zone area in the last five years. (Response limited to the space provided.) Since the application for Zone One A was submitted, changes and trends in the City of Roanoke have occurred, requiring the submission of an amendment.

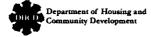
The City's share of taxable sales for the region has steadily declined over the past ten years. Although the amount of sales has risen, the revenue generated from the 1% sales tax rebated to the City has not kept up with the costs of services paid by that revenue stream. In order to increase incomes in the City, services must be provided to give the poor and underemployed assistance. Since the City is competing with areas having plentiful green sites available for retail development, and the City is limited by its inability to annex such spaces, it has become necessary to redevelop older shopping areas experiencing vacancies. One area in the City meeting this criteria is Parkside Plaza on Dale Avenue. The City proposes to add the site to the Virginia EZ 5 as a means of attracting new retail, generating new sales taxes and increasing real estate assessments. It would also give those trying to improve their income by going to school or taking training courses an interim job to meet expenses, particularly since the area is served by public transportation.

Norfolk Southern (NS) was once the City's largest employer. However, since 1998, their employment has decreased by almost 800 jobs in Roanoke, while increasing system wide by 3,866. One area particularly hard hit is the old East End Shops. This area, located between railroad tracks on Norfolk Avenue and in the flood plain, is underutilized. With the purchase of Conrail, NS closed portions of its shops where both railcars and engines were built, leaving a small force of 158 responsible for repairing and overhauling. Since NS has expressed an interest in attracting other industry to this site, the City proposes to add this land as well.

Another area, mostly in the flood plain, to be added runs along the railroad tracks off of Williamson Road. This area is experiencing vacancies as well. Many of the structures were built in the 1930-1940s, requiring updating to be occupied. Some are part of the South Jefferson Redevelopment Area. Revitalizing this area would create a more pleasant entry into downtown and additional opportunities for the adaptive reuse of former warehouse and industrial buildings currently vacant or underutilized.

During the past five years, none of these areas have been the target of any programs offered by the City or State. No new shops have located in Parkside Plaza and its most lucrative client, Payless Shoes, is going out of business. The NS shops and the third area's flood plain issues necessitate their inclusion.





III B. Barriers to Economic Development and Revitalization: Briefly describe the barriers within the expanded enterprise zone area that have an impact on zone development and revitalization. Barriers can be physical (e.g. infrastructure, obsolescence of facilities, land availability, topographic); non-physical (e.g. image perception, crime rates, job skill levels, access to capital, market access); or organizational (e.g. economic development and marketing structures, financing institutions). (Response limited to the space provided.)

The land known as the East End Shops lies completely in the flood plain. After years of building and repairing railcars and engines, there are probably some environmental problems with the area as well. Most of the shops consist of open air buildings built in the early part of the 1900s with a single entrance across railroad tracks. These obstacles impair the viability of the site. Most of the area along Williamson Road is also in the flood plain, with a majority of the structures built in the 1930-1940s. These older buildings, some of which are in a redevelopment area, would need updating prior to use.

Parkside Plaza was opened in the late 1960s as a strip mall with Grants and Winn-Dixie as its major tenants. Grants ceased operations in 1974 and Winn-Dixie moved to the county in the early 1990s. Payless Shoes was the only remaining original tenant. Now Payless is going out of business and only Bumper to Bumper and Disabled American Veterans stores will remain. Even thought the 200,000 square feet of space is located on one of the main routes into the City, retailers resist locating here because it's outdated and surrounded by one of the poorest populations in the City.

III C. Economic Development and Revitalization Opportunities: Briefly describe economic development and revitalization opportunities within the expanded enterprise zone area. Opportunities can be physical (e.g. updated infrastructure, shell building, available land and buildings); non-physical (e.g. skilled work force, access to capital); or organizational (e.g. economic development and marketing structures, financing institutions). (Response limited to the space provided.)

Even though the railroad shops have been underutilized for some time, there are plenty of skilled trades workers in Roanoke. Since NS has expressed their desire to lease this space to other businesses, it is in the City's best interest to breakdown the barriers to development and bring this property to its full potential. Workers here were once paid over \$15 per hour. With Roanoke continuing to exhibit lower wages than other parts of Virginia, having this area open for business would improve skilled employment opportunities in the valley.

The area along Williamson Road has also been underutilized. Knowing the older buildings will need updating and flood-proofing prior to reuse makes EZ incentives a must in marketing the area. Its proximity to the railroad tracks could be a selling point for the area since the City has no marketable railroad siding sites at the moment. The location's proximity to downtown and in the South Jefferson Redevelopment Area also provide additional opportunities for revitalization.

In and around the valley are seventeen institutions of higher learning. Of the over 89,500 students enrolled in these schools, many need part time work to continue paying their tuition. Part time, retail jobs would be beneficial to this population and those in high school, particularly in an area served by local buses. In addition, the City has been losing its share of the retail sales market to other localities. Restoring Parkside Plaza would benefit all populations by using the increased tax revenue on services.

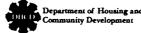




IV A. Purpose of Boundary Deletion: Discuss the rationale for the decision to delete an area(s) from the existing zone. Identify the factors taken into consideration and discuss the benefit to the locality. Describe the process used to notify business and property owners and summarize results of the public hearing. Attach a copy of the minutes of the public hearing and a sample of the property/business owner notification. **(Response limited to the space provided.)**

IV B. Impact of Boundary Deletion: Identify the number and types of property and business owners and general impact. Discuss the impact of the decision on the revitalization efforts of the area to be deleted. Identify and discuss future plans for the area. **(Response limited to the space provided.)**





V A. Modification of Existing Incentives: Discuss why the incentives are being modified and what aspect(s) are being changed such as the provider, limitation of availability or applicability, funding, or time period the incentive is being offered. Explain what information or research the modification is based on. For example: "A survey of zone businesses showed that only three of the 55 zone businesses had qualified for a local incentive in three years and this research supports the need for incentive modification." (Limit response to the space provided.)

As of July 1, 2004, the City of Roanoke no longer has a water department or sewage treatment plant. Roanoke County and the City formed the Western Virginia Water Authority (WVWA) and on that date the WVWA assumed ownership of all such assets. All charges for water, sewer and fire connections are now paid to WVWA, not the City. WVWA has raised the rates once charged by the City to be more in line with the rates once paid by Roanoke County as of January 1, 2005. In some instances, the difference prior to WVWA's creation was as much as a quarter of a million dollars. Since the City no longer receives the revenue, we are proposing to set a flat connection fee per meter or line size equal to the recently adopted fee schedule which became effective January 1, 2005. Grants through the IDA for up to this capped amount would still serve the purpose of increasing activity in the zone and not result in a fiscal hardship on the City.

For comparison purposes, a county connection fee for water for a 5/8 inch meter was \$3,190, while in the City, the amount was \$1,170. When larger meters were involved, such as a 10 inch meter, the City charged \$17,222 compared with the county's \$701,140. Sewer connection fees for a 4 or 6 inch line in the City were \$452.26, while the county charged from \$82,020 to \$184,420. The new rate structure begins the effort to equalize the historic fee structure of the two localities into the new Water Authority.

The new capped figures are higher than the old rates and are set forth in Section V.D., page 12.





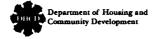
V B. Deletion of Existing Incentives: Begin by identifying the total number of incentives being deleted. Next, identify the number of the incentive in the existing package that is being deleted and provide justification. (Use additional pages as necessary.)

The total number of local incentives being deleted is _____.

he following incentives are to be deleted:	
lumber: lame: ustification:	
lumber: lame: ustification:	
lumber: lame: ustification:	
lumber: lame: ustification:	

V C. Replacement Incentives: List the replacement incentive(s) and discuss how the proposed local incentive(s) are equal or superior to those incentives that existed prior to the amendment either individually or as an entire package. (Use additional pages as necessary.)





V D. Incentives: Provide information for new and existing incentives. Additional forms may be reproduced to accommodate all incentives. Identify new or revised incentives with an asterisk.

Proposed Enterprise Zone Name:	
Incentive #, Name, and Description:	Provider: City of Roanoke
Grant for Fees for New Construction & Rehabilitation of	•
Existing Buildings*	Qualification Requirements:
City grants through the IDA up to 100% of water, sewer	Amount Invested Grant Percentages subject to maximum amt
and fire hookup fees, after documentation of a permanent	\$1 million or more 100%
certificate of occupancy, for businesses undertaking new	\$900,000-999,999.99 90%
construction or rehabilitation of existing buildings with an investment of at least \$125,000. However, the amount of	\$800,000-899,999.99 80%
such grants shall be limited as set forth below:	\$700,000-799,999.99 70%
Maximum Water Hookup Grants based on size of hookup	\$600,000-699,999.99 60%
5/8" \$1,500 3" \$3,960	\$500,000-599,999.99 50%
%" \$1,515 4" \$12,300	\$400,000-499,999.99 40%
1" \$1,600 6" \$14,010	\$300,000-399,999.99 30%
1 1/2" \$2,300 8" actual cost up to, but not to	\$200,000-299,999.99 20%
exceed \$20,043	\$125,000-199,999.99 10%
2" \$2,500 10-12" actual cost up to, but not to	Come and death a common and in all and in the building and
exceed \$22,079	Some residential component is allowed in the building as long
Maximum Sewer Hookup Grants based on size of hookup	as 20% remains devoted to commercial use.
5/8-6" \$1,500	Period of availability:
8" actual cost up to, but not to exceed \$3,750	Life of Zone
12" actual cost up to, but not to exceed \$7,500	
Maximum Fire Hookup Grants based on size of hookup 4" \$10,300 10" \$15,000	Source of funds:
4" \$10,300 10" \$15,000 6" \$10,800 12" actual cost up to, but not to	General Revenue
exceed \$22,250	
8" \$13,300	
Financial Value of Incentive:	Effective date:
The value fluctuates depending on the investment. Grants	4/1/05
can be from \$150 to several thousand dollars	
	Exclusive to zone:
	x Yes
	☐ No, if no please explain how zone incentives
	will be addressed
Incentive #, Name, and Description:	Provider:
incentive #, Name, and Description:	Provider:
	Qualification Requirements:
	Pariod of availability
	Period of availability:
	Source of funds:
·	
Financial Value of Incentive:	Effective date:
A\$2	



Exclusive to zone: Yes No, if no please explain how zone incentives will be addressed



VI A. Identifying and implementing amended goals, objectives, strategies and actions (GOSAs) for the enterprise zone: The purpose of amending GOSAs is to improve the locality's ability to identify, coordinate and maximize resources to address barriers to economic revitalization. (See Appendix E of the instruction manual for examples.) The implementation schedule helps to identify participants, agencies and organizations and establishes projected times for implementation and progress. Complete Chart VI A, Implementation Schedule, on the following page; add the years in as appropriate (2002, 2003 etc.) (Reproduce this format as necessary.)





CHART VI A. IMPLEMENTATION SCHEDULE

GOAL:

OBJECTIVE:

Strategies	Actions	Responsible Department/ Agency/Organization	Year	Year		
Α.						
В.						
C.						
D.						



CHART VI A. IMPLEMENTATION SCHEDULE

GOAL:

OBJECTIVE:

Strategies	Actions	Responsible Department/ Agency/Organization	Year	Year		
A .						
В.						
С.						
D.						



VI B. Revisions to the implementation Schedule: Describe the process for regularly revising the implementation schedule including the involvement of those participants, agencies and organizations identified in the GOSAs and the implementation schedule. (Limit response to the space provided.)





VII A. Local Assurances and Authorizations: Used to certify the accuracy of the information provided by the applicant and to insure that the Program Regulations will be met.

As the representative of the local governing body of City of Roanoke, I hereby certify that: (locality)

- 1. The information in the Enterprise Zone application is accurate to the best of my knowledge.
- 2. A public hearing was held by the aforementioned locality to solicit comments on this request for application amendment. Attach a copy of the public hearing advertisement and a copy of the public hearing minutes.
- Any local enterprise zone incentives proposed by the aforementioned locality in the Enterprise Zone application represents a firm commitment by the locality;
- 4. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, or if no state enterprise zone incentives have been utilized within a five-year period, the zone shall be subject to termination.

Darlene L. Burcham City Manager

Chief Administrator Title Date

Important: All applications must include a certified resolution from the local governing body. If a joint application, include resolutions of each local governing body. **Label the resolution(s) as Attachment EZ-VII-A**. Joint applications must also include Joint Application Amendment Agreement (JA). **(See Section VIII.)**





VIII A. Instructions: Each jurisdiction participating in a joint amendment application must complete the following form. This form insures that all jurisdictions are in agreement with the amendment being submitted by the jurisdiction acting as program administrator.

JOINT AMENDMENT APPLICATION AGREEMENT

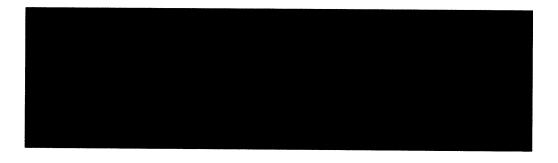
As the	representative of the local governing	body of	(locality)	, I hereby
1 .	The aforementioned locality is in ag localities in filing this joint application			ting
2.	Any local enterprise zone incentives in this application represent a firm of			d locality
3.	It is understood that if at any time the unwilling to fulfill a commitment to listed in this application, the zone sh	provide local	l enterprise zone inc	entives
4.	A public hearing was held on amendment application.	to (date)	solicit comments on	ı this
	Chief Administrator Title		Date	

Important: All applications must include a certified resolution from the local governing body. Joint applications must include resolutions of each local governing body. **Label this resolution(s) Attachment EZ-VIII-A**.









APPLICANT LOCALITY: ___City of Roanoke_____

Name of Zone: __Enterprise Zone Two and its Subzone

Virginia Enterprise Zone #: ____42___

Virginia Department of Housing and Community Development 501 North Second Street Richmond, Virginia 23219 (804) 371-7030 EZONE@dhcd.virginia.gov www.dhcd.virginia.gov



A. Locality: City of Roanoke	B. Date:	2/23/05
C. Chief Administrator: Darlene L. Burcham, City Mgr	Phone:	540-853-2333
D. Designated Contact Person: Linda Bass	Phone:	540-853-2716
E. Address: 111 Franklin Plaza Suite 200 Roanoke, VA 24011		
F. Check One: _x_Single Application Joint Application		
G. List other participating localities below:		
H. What was the last Annual Report submitted (for what report	orting year)?_	2003
I. Non-contiguous Sub Zone This zone currently has a non-contiguous sub zonex_ This zone does not have a non-contiguous sub zone, but a non-contiguous sub zoneYes _xNo This amendment proposes to add a non-contiguous sub z NOTE: Only one non-contiguous sub zone is allowed in a many zones the locality has.	another zone one to this zo	neYes _x_No



II A. Purpose of Amendment: Check the type of amendment and briefly explain why the amendment is being requested and what is to be accomplished by the approval. In this discussion, briefly describe how the enterprise zone modification fits into the locality's overall community and economic development strategy. **(Limit to one page.)**

Boundary Addition	_x_ Incentive Amendment
Boundary Deletion	Goals/Objectives/Strategies/Actions

The incentive regarding water, sewer and fire hookups must be modified due to the creation of the Western Virginia Water Authority as of July 1, 2004. The City no longer receives payments for these hookups. Those fees are paid to the Authority. With costs for these hookups no longer under the control of the City, it is imperative the City cap the charges. These grants, formerly called rebates, would be paid through the Industrial Development Authority of the City of Roanoke (IDA).

"Retaining existing jobs and attracting new jobs are equally important factors in Roanoke's economic stability. Each relies not only on defining costs and benefits of doing business, but also on maintaining and selling the City and region as an attractive place to live and work. Similarly, enhancing Roanoke's livability requires the continuing expansion of personal wages and public revenues to pay for these critical amenities." This quote is from the first goal listed in the City's comprehensive plan known as Roanoke Vision 2001 -2020. As part of this goal, the City developed certain policies, among them, "[u]nderutilized and vacant industrial sites will be evaluated and redevelopment encouraged", and "Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors."

By retaining the incentive, but capping the rates to those rates recently adopted by the Authority for 2005, the City will be meeting its obligations to new business construction in Enterprise Zone Two and its Subzone.





II B. Location and Boundaries: Provide a list of all 2000 U. S. Census tracts and block groups comprising the existing enterprise zone area and the zone areas to be added and/or deleted according to the census tracts in which they are located. If only a portion of a block group is included in the current area or area to be deleted, list the block group followed by an asterisk to indicate that it is a partial block. In a joint application, indicate the locality in which each block group is located.

Existing	Added	Deleted

II C. Population Characteristics: Use the 2000 Census data or data available from the Center for Public Service or the appropriate Planning District Commission. Data is requested for the current zone area, proposed zone area to be added and/or deleted. (See page 11 of the instruction manual.)

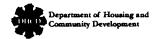
	CURRENT ZONE	PROPOSED ADDITION	PROPOSED DELETION	TOTAL		
1. Total Population						
2. Total Households						
Total Civilian Labor Force						
4. # of Civilian Labor Force Unemployed						
5. % of Civilian Labor Force Unemployed						
Median Household Income: (Entire Jurisdiction) \$						
Zone Households with Incomes Below 80% of Medium Income: 7. Number: 8. Percent:						





II D. Floor Vacancy Rate: Complete only if applicant chooses to meet the distress criteria requirement through the 20 percent floor vacancy rate in industrial and/or commercial property option. Commercial and industrial vacancy rates may be available through real estate firms but are not generally broken out by census tracts and block groups. Applicants choosing this option will have to have a survey and analysis of rates completed by the local Planning District Commission.

- 1. ___%
- 2. Source of Methodology:
- 3. Explanation of methodology: (Attach additional pages if needed.)



II F.	Land Area: I	If areas are NOT	heing added of	r deleted	leave this blank:
L .	Lang Alva. I	ii aicas aic itoi	Don's added of	i acicica,	icare ting blank.

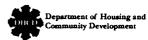
1.	Current zone size in acres	
2.	Proposed addition size in acres	
3.	Proposed deletion size in acres	
	Total Acres	
3.	Jurisdiction's total land area in acres	
4.	Jurisdiction's total 2000 population	

II. F. Map Requirements: The following maps are required ONLY if adding or deleting boundaries. (See page 13 of the instruction manual.) Jurisdictional boundaries and major arteries must be identified and labeled on all maps. Any specific neighborhoods, industrial parks, commercial centers, or project areas that will be discussed in the amendment application should also be identified on the maps. The attached maps must be no larger than 11 by 17.

Formatted: Bullets and Numbering

- 1. Map showing the existing zone area and proposed zone area boundaries to be added and/or deleted (see instructions) with a break down of existing land uses. Please indicate the current zone boundary with a solid line, the proposed expansion area with a dashed line. If an area is to be deleted please shade this area. Indicate on this map total zone acreage and the approximate number of acres devoted to each type of use (see instructions). Label this map EZ -2 Map 1.
- Map of the existing zone and proposed zone area showing the boundaries of the
 existing zoning districts. Label this map EZ-2 Map 2. If there is zoning, include
 Map 2.





III A. Conditions in the Expanded Area: Briefly describe **only** the current conditions within the **expanded enterprise zone area** emphasizing economic, physical, and social factors that are **unique**. List any revitalization efforts that have been undertaken within the expanded zone area in the last five years. **(Response limited to the space provided.)**



III B. Barriers to Economic Development and Revitalization: Briefly describe the barriers within the expanded enterprise zone area that have an impact on zone development and revitalization. Barriers can be physical (e.g. infrastructure, obsolescence of facilities, land availability, topographic); non-physical (e.g. image perception, crime rates, job skill levels, access to capital, market access); or organizational (e.g. economic development and marketing structures, financing institutions). (Response limited to the space provided.)

III C. Economic Development and Revitalization Opportunities: Briefly describe economic development and revitalization opportunities within the expanded enterprise zone area. Opportunities can be physical (e.g. updated infrastructure, shell building, available land and buildings); non-physical (e.g. skilled work force, access to capital); or organizational (e.g. economic development and marketing structures, financing institutions). (Response limited to the space provided.)



IV A. Purpose of Boundary Deletion: Discuss the rationale for the decision to delete an area(s) from the existing zone. Identify the factors taken into consideration and discuss the benefit to the locality. Describe the process used to notify business and property owners and summarize results of the public hearing. Attach a copy of the minutes of the public hearing and a sample of the property/business owner notification. **(Response limited to the space provided.)**

IV B. Impact of Boundary Deletion: Identify the number and types of property and business owners and general impact. Discuss the impact of the decision on the revitalization efforts of the area to be deleted. Identify and discuss future plans for the area. **(Response limited to the space provided.)**





V A. Modification of Existing Incentives: Discuss why the incentives are being modified and what aspect(s) are being changed such as the provider, limitation of availability or applicability, funding, or time period the incentive is being offered. Explain what information or research the modification is based on. For example: "A survey of zone businesses showed that only three of the 55 zone businesses had qualified for a local incentive in three years and this research supports the need for incentive modification." (Limit response to the space provided.)

As of July 1, 2004, the City of Roanoke no longer has a water department or sewage treatment plant. Roanoke County and the City formed the Western Virginia Water Authority (WVWA) and on that date the WVWA assumed ownership of all such assets. All charges for water, sewer and fire connections are now paid to WVWA, not the City. WVWA has raised the rates once charged by the City to be more in line with the rates once paid by Roanoke County as of January 1, 2005. In some instances, the difference prior to WVWA's creation was as much as a quarter of a million dollars. Since the City no longer receives the revenue, we are proposing to set a flat connection fee per meter or line size equal to the recently adopted fee schedule which became effective on January 1, 2005. Grants through the IDA for up to this capped amount would still serve the purpose of increasing activity in the zone and not result in a fiscal hardship on the City.

For comparison purposes, a county connection fee for water for a 5/8 inch meter was \$3,190, while in the City, the amount was \$1,170. When larger meters are involved, such as a 10 inch meter, the City charged \$17,222 compared with the county's \$701,140. Sewer connection fees for a 4 or 6 inch line in the City were \$452.26, while the county charged from \$82,020 to \$184,420. Therefore, the City is proposing capping the fees at the new rate for 2005.

The new capped figures are higher than the old rates and are set forth in Section V.D., page 12.

V B. Deletion of Existing Incentives: Begin by identifying the total number of incentives being deleted. Next, identify the number of the incentive in the existing package that is being deleted and provide justification. (**Use additional pages as necessary.**)

The total number of local incentives being deleted is	
The following incentives are to be deleted:	
Number:	
Name:	
Justification:	



Number: Name: Justification:			
Number: Name: Justification:			
Number: Name: Justification:			

V C. Replacement Incentives: List the replacement incentive(s) and discuss how the proposed local incentive(s) are equal or superior to those incentives that existed prior to the amendment either individually or as an entire package. (Use additional pages as necessary.)



V D. Incentives: Provide information for new and existing incentives. Additional forms may be reproduced to accommodate all incentives. Identify new or revised incentives with an asterisk.

Proposed Enterprise Zone Name:	
Incentive #, Name, and Description:	Provider: City of Roanoke
Grant for Fees for New Construction & Rehabilitation of	·
Existing Buildings*	Qualification Requirements:
City grants through the IDA up to 100% of water, sewer	Amount Invested Grant Percentages subject to maximum amt
and fire hookup fees, after documentation of a permanent	\$1 million or more 100%
certificate of occupancy, for businesses undertaking new	\$900,000-999,999.99 90%
construction or rehabilitation of existing buildings with an	\$800,000-899,999.99 80%
investment of at least \$125,000. The amount of such	\$700,000-799,999.99 70%
grants shall be limited as set forth below:	\$600,000-699,999.99 60%
Maximum Water Hookup Grants based on size of hookup 5/8" \$1,500 3" \$3,960	\$500,000-599,999.99 50%
3/3 \$1,500 3 \$3,500 3/4" \$1,515 4" \$12,300	\$400,000-499,999.99 40%
1" \$1,600 6" \$14,010	\$300,000-399,999.99 30%
1 ½" \$2,300 8" actual cost up to, but not to	\$200,000-299,999.99 20%
exceed \$20,043	\$125,000-199,999.99 10%
2" \$2,500 10-12" actual cost up to, but not to	Period of availability:
exceed \$22,079	Life of Zone
Maximum Sewer Hookup Grants based on size of hookup	
5/8-6" \$1,500	Source of funds:
8" actual cost up to, but not to exceed \$3,750	General Fund
12" actual cost up to, but not to exceed \$7,500	General Fund
Maximum Fire Hookup Grants based on size of hookup	
4" \$10,300 10" \$15,000	
6" \$10,800 12" actual cost up to, but not to	
exceed \$22,250 8" \$13,300	
	Fff. ski sa slata
Financial Value of Incentive:	Effective date:
The value fluctuates depending on the investment. Grants can be from \$150 to several thousand dollars	4/1/05
can be from \$150 to several thousand dollars	Exclusive to zone:
	x Yes
	☐ No, if no please explain how zone incentives
	will be addressed
	will be addressed
Incentive #, Name, and Description:	Provider:
, ,	
	Qualification Requirements:
	Quamication Requirements:
	
	Period of availability:
	i choa oi aranability.
	.
	Source of funds:
	Jource of fullus.
Financial Value of Incentive:	Effective date:
· ····································	Lifecure uale.
Department of Housing and	

Exclusive to zone: Yes No, if no please explain how zone incentives will be addressed





VI A. Identifying and implementing amended goals, objectives, strategies and actions (GOSAs) for the enterprise zone: The purpose of amending GOSAs is to improve the locality's ability to identify, coordinate and maximize resources to address barriers to economic revitalization. (See Appendix E of the instruction manual for examples.) The implementation schedule helps to identify participants, agencies and organizations and establishes projected times for implementation and progress. Complete Chart VI A, Implementation Schedule, on the following page; add the years in as appropriate (2002, 2003 etc.) (Reproduce this format as necessary.)



CHART VI A. IMPLEMENTATION SCHEDULE

GOAL:

OBJECTIVE:

Strategies	Actions	Responsible Department/ Agency/Organization	Year	Year		
Α.						
В.						
С.			:			
D.						



CHART VI A. IMPLEMENTATION SCHEDULE

GOAL:

OBJECTIVE:

Strategies	Actions	Responsible Department/ Agency/Organization	Year	Year		
A.						
В.						
C.						
D.						



VI B. Revisions to the implementation Schedule: Describe the process for regularly revising the implementation schedule including the involvement of those participants, agencies and organizations identified in the GOSAs and the implementation schedule. (Limit response to the space provided.)



VII A. Local Assurances and Authorizations: Used to certify the accuracy of the information provided by the applicant and to insure that the Program Regulations will be met.

As the representative of the local governing body of <u>City of Roanoke</u>, I hereby certify that: (locality)

- 1. The information in the Enterprise Zone application is accurate to the best of my knowledge.
- 2. A public hearing was held by the aforementioned locality to solicit comments on this request for application amendment. Attach a copy of the public hearing advertisement and a copy of the public hearing minutes.
- Any local enterprise zone incentives proposed by the aforementioned locality in the Enterprise Zone application represents a firm commitment by the locality;
- 4. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, or if no state enterprise zone incentives have been utilized within a five-year period, the zone shall be subject to termination.

Darlene L. Burcham City Manager

Chief Administrator Title Date

Important: All applications must include a certified resolution from the local governing body. If a joint application, include resolutions of each local governing body. **Label the resolution(s) as Attachment EZ-VII-A**. Joint applications must also include Joint Application Amendment Agreement (JA). **(See Section VIII.)**





VIII A. Instructions: Each jurisdiction participating in a joint amendment application must complete the following form. This form insures that all jurisdictions are in agreement with the amendment being submitted by the jurisdiction acting as program administrator.

JOINT AMENDMENT APPLICATION AGREEMENT

As the certify	representative of the local governing by that:	oody of(locality)	, I hereby	
1.	The aforementioned locality is in agreement with the other participating ocalities in filing this joint application;			
2.	Any local enterprise zone incentives prince in this application represent a firm contact the second	•	d locality	
3.	It is understood that if at any time the unwilling to fulfill a commitment to pr listed in this application, the zone sha	ovide local enterprise zone ince	entives	
4.	A public hearing was held on amendment application. (d	to solicit comments on ate)	this	
	Chief Administrator Title	Date		

Important: All applications must include a certified resolution from the local governing body. Joint applications must include resolutions of each local governing body. Label this resolution(s) Attachment EZ-VIII-A.



Attachment 3

Current local incentives are contained in:

Ordinance No. 35820-041502 and

Ordinance No. 36782-071904

p is

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

The 15th day of April, 2002.

No. 35820-041502.

AN ORDINANCE amending Ordinance No. 33019-070196, adopted by City Council on July 1, 1996, which established certain local incentives for the area designated as Enterprise Zone Two in the City by modifying it to delete paragraphs 4 and 5 and substituting the paragraphs 4 and 5 set forth below to extend the incentive rebates set forth therein to include rehabilitation work in addition to new building construction and to modify the percent of rebates available and that such modified incentives will be applicable from July 1, 2002 through June 30, 2007, and also modifying and/or extending certain funding limits in connection with certain local incentives in that ordinance; amending Ordinance No. 35414-061801, adopted by Council on June 18, 2001, which extended the availability of local incentives through December 31, 2003, by modifying it to extend such local incentives through June 30, 2007; adding a local incentive to provide limited funds for partial grants for the cost of certain building facade renovations only within Enterprise Zone One; authorizing the City Manager to apply to the Virginia Department of Housing and Community Development (VDHCD) for the approval of the above amendments and/or to take such further action as may be necessary to obtain or confirm those amendments; and providing for an emergency.

WHEREAS, on July 1, 1996, City Council adopted Ordinance No. 33019-070196 approving, adopting, and establishing certain local incentives for the area designated as Enterprise Zone Two in the City of Roanoke, and which applied to a Subzone that was created by a boundary amendment authorized by Resolution No. 34024-092198, adopted by Council on September 21, 1998; and

WHEREAS, on July 19, 1999, City Council adopted Ordinance No. 34412-071999, for the purpose of providing that the local incentives established for the area designated as Enterprise Zone Two, including the Subzone of Two, shall also apply to the City's Enterprise Zone One as of July 19, 1999, and that the incentives in Enterprise Zone One would likewise apply to Enterprise Zone Two as of that date, except to the extent a local incentive was unique to a particular Enterprise Zone, and such ordinance will remain in effect for such purpose; and

WHEREAS, Ordinance No. 35414-061801, adopted by City Council on June 18, 2001, provided that the local incentives made applicable to the City's Enterprise Zones would end on December 31, 2003, unless otherwise modified by Council, and Council now wishes to extend the applicable time period for such local incentives to be applicable to Enterprise Zones One and Two, including the Subzone of Two, from December 31, 2003 through June 30, 2007, at which time such local incentives will end unless otherwise modified by Council. Provided, however, that the local incentives for Enterprise Zone One may terminate on December 31, 2003, if Enterprise Zone One is not extended by the Commonwealth of Virginia and terminates on that date.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. Ordinance No. 33019-070196, adopted by City Council on July 1, 1996, is hereby amended as follows:
 - A. Paragraph number 4 is deleted effective July 1, 2002, and hereby replaced by the following paragraph number 4:
 - (4) Any business firm undertaking new building construction and/or rehabilitation work within the City's Enterprise Zones shall be entitled to a rebate of up to 100% of water, fire, and sewer hookup fees based on appropriate and approved documentation of the amount of new building construction and/or rehabilitation investment of \$125,000 or more undertaken by such business firm within such Enterprise Zones. All water, fire, and sewer hookup fees shall initially be paid in full by the business firm. Upon completion of the new building construction and/or rehabilitation work and upon proper documentation of the issuance of a permanent certificate of occupancy for the new building and/or proper documentation of completion of the rehabilitation work, the business firm may then apply for a rebate under this local incentive. Upon the City's

approval of the application, the business firm will receive a rebate from the City of the following percentage of water, fire, and sewer hookup fees the business firm previously paid (without interest) for such new building construction and/or rehabilitation work:

Amount invested	Percent City Rebates
\$1,000,000 or more	100%
900,000 - 999,999.99	90%
800,000 - 899,999.99	80%
700,000 - 799,999.99	70%
600,000 - 699,999.99	60%
500,000 - 599,999.99	50%
400,000 - 499,999.99	40%
300,000 - 399,999.99	30%
250,000 - 299,999.99	20%
125,000 - 249,999.99	10%
0 - 124,999.99	0%

The effective date of the availability of this local amended incentive is July 1, 2002. This local incentive shall be available only for water, fire, and sewer hookup fees paid between the period of July 1, 2002 through June 30, 2007, at which time the local incentive will end, unless extended by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive. It is the intent of this Ordinance that effective July 1, 2002, all rebates for this local incentive shall be controlled by this paragraph unless otherwise modified by Council.

- (B) Paragraph number 5 is deleted effective July 1, 2002, and replaced by the following paragraph number 5:
 - (5) Any business firm undertaking new building construction and/or rehabilitation work within the City's Enterprise Zones shall be entitled to a rebate of up to 100% of building permit and comprehensive development plan review fees paid based on appropriate and approved documentation of the amount of new building construction and/or rehabilitation investment of \$25,000 or more undertaken by such business firm within such Enterprise Zones. All building permit and comprehensive development plan review fees shall initially be paid in full by the business firm. Upon completion of the new building construction and/or rehabilitation work and upon proper documentation of the issuance of a permanent certificate of occupancy for the new building and/or proper documentation of completion of the rehabilitation work, the business firm may then apply for a rebate under this local incentive. Upon the City's approval of the application, the business firm will receive a rebate from the City of the following percentage of building permit and comprehensive

development plan review fees the business firm previously paid (without interest) for such new building construction and/or rehabilitation work:

Amount Invested	PercentCity Rebates
\$100,000 or more	100%
75,000 - 99,999.99	75%
50,000 - 74,999.99	50%
25,000 - 49,999.99	25%
0 - 24,999.99	0%

The effective date of the availability of this local amended incentive is July 1, 2002. This local incentive shall be available only for building permit and comprehensive development plan review fees paid between the period of July 1, 2002 through June 30, 2007, at which time this local incentive will end, unless extended by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive. It is the intent of this Ordinance that effective July 1, 2002, all rebates for this local incentive shall be controlled by this paragraph unless otherwise modified by Council.

- (C) The limitations on the total amount of funding to be provided for certain local incentives in the Ordinance in paragraphs 7, 8, 9, and 10 are hereby amended to reflect that such limitations on the total funding for any such local incentives shall be for a period consisting of a total of consecutive years, such as any consecutive five year period, that such local incentives are available and not for just a specific 5 year period or term as originally stated in the Ordinance. Furthermore, any appropriated funds not used during a particular fiscal year for any such local incentive may be used for that local incentive in subsequent years. These provisions shall be applicable as long as any such local incentives are available, unless otherwise modified by Council.
- 2. Ordinance No. 35414-061801, adopted by Council on June 18, 2001, is hereby amended so that all references in the Ordinance to December 31, 2003, are hereby deemed to be amended and changed to read June 30, 2007, provided, however, that such local incentives for

Enterprise Zone One may terminate on December 31, 2003, if Enterprise Zone One is not extended by the Commonwealth of Virginia and it terminates on that date. The intent being that the local incentives for the City's Enterprise Zones be extended as set forth hereinabove and in the City Manager's letter to Council dated April 15, 2002.

- 3. The Council hereby approves and adopts for the City's Enterprise Zone One only the additional local incentive set forth below:
 - (A) The City will provide funds to the Industrial Development Authority of the City of Roanoke, Virginia, (IDA) so that the IDA can enhance economic development in Enterprise Zone One by providing facade grants of 33% of any building facade renovation costs for those facades in need of renovation that visually improves the facade (the principal face or front of a building) of a building within Enterprise Zone One up to a maximum of \$25,000 per grant with a maximum yearly limit for all such grants of \$100,000. The effective date for this local incentive is July 1, 2002, and it will extend from that date through June 30, 2007, unless otherwise modified Council. Provided, however, that this local incentive may terminate on December 31, 2003, if Enterprise Zone One is not extended by the Commonwealth of Virginia and it terminates on that date. Furthermore, any appropriated funds not used during a particular fiscal year for such local incentive may be used for that local incentive in subsequent years.
 - (B) The City Manager is authorized to establish appropriate rules and regulations necessary to implement and administer this local incentive.
- 4. Council hereby certifies that it held a public hearing as required by the Virginia Enterprise Zone Program Regulations.

5. The local incentives and amendments set forth above and in the City Manager's letter dated April 15, 2002, are subject to approval by the VDHCD and should any of them not be approved, those not approved will not become effective so that any prior measures, if any, on the particular matter, will stay in effect.

6. Any funding required for any such local incentives is subject to the appropriation of such funds by Council.

7. As amended, Ordinance No. 33019-070196, adopted July 1, 1996, and Ordinance No. 35414-061801, adopted June 18, 2001, are hereby affirmed and remain in full force and effect.

8. The City Manager is authorized to submit to the VDHCD all information necessary for approval or confirmation of the above amendments regarding local incentives and the addition of a local incentive, and to take such further action or to execute such further documents as may be necessary to meet other program requirements or to establish and administer the local incentives as set forth above. The City Clerk is authorized to execute and attest any documents that may be necessary or required for the purposes as set forth above.

9. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this Ordinance will be in full force and effect upon its passage.

ATTEST:

City Clerk.

H:\Measures\EZ Incentives Amendment.doc

p.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

The 19th day of July, 2004.

No. 36782-071904.

AN ORDINANCE approving, adopting, and establishing certain local incentives for the area designated as Enterprise Zone One A in the City of Roanoke; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, in June 2004, the Governor of Virginia designated as Roanoke's Enterprise Zone One A an area of approximately 1,702 acres located in the City of Roanoke as shown on a map of Enterprise Zone One A that was attached to the City's Enterprise Zone application, a copy of which is on file in the Office of the City Clerk, such Enterprise Zone to become effective retroactive to January 1, 2004; and

WHEREAS, the City of Roanoke wishes to make certain local incentives available to the Enterprise Zone One A area, all as more fully set forth and described in a letter from the City Manager to Council dated July 19, 2004.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke hereby approves and adopts the local incentives for the area designated as Enterprise Zone One A located in the City of Roanoke as more fully set forth in this ordinance and in the letter from the City Manager to Council dated July 19, 2004.
- 2. The City Manager is hereby authorized on behalf of the City to adopt and promulgate such rules and regulations and take such actions as may be reasonably necessary and consistent with this ordinance to implement such local incentives for the period of January 1,

2004, through December 31, 2023, at which time these local incentives will end unless otherwise modified by Council.

- 3. The definitions set forth in Section 59.1-271 of the Code of Virginia (1950), as amended, as it now exists or may hereafter be amended shall apply to this ordinance. Also, the term "Enterprise Zone One A" shall refer to the area designated by the Governor of Virginia in June 2004, effective retroactive to January 1, 2004, as Enterprise Zone One A located in the City of Roanoke and as shown on a map attached to the City's Enterprise Zone application, a copy of which is on file in the Office of the City Clerk.
- 4. The City will provide funds to the Industrial Development Authority of the City of Roanoke, Virginia, (IDA) so that the IDA can enhance economic development in Enterprise Zone One A by providing facade grants of 33% of any building facade renovation costs for those facades in need of renovation that visually improves the facade (the principal face or front of a building or significant historical attachment that would contribute to the appearance of the building if restored) of a building within Enterprise Zone One A up to a maximum of Twenty-five Thousand Dollars (\$25,000) per grant with a total yearly limit for all such grants of at least One Hundred Thousand Dollars (\$100,000). The uses for such building are to be commercial, mixed-use commercial with no more than 80% of the building being used for residential purposes (hereinafter referred to in this ordinance as "mixed-use commercial"), or industrial use. The availability of this local incentive is from January 1, 2004, through December 31, 2023, at which time the Enterprise Zone One A designation will end, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.

5. Any business firm, property owner, or leaseholder authorized to make improvements, undertaking new building construction and/or rehabilitation work within the City's Enterprise Zone One A shall be entitled to a rebate of up to 100% of building permit and comprehensive development plan review fees based on appropriate and approved documentation of the amount of new building construction and/or rehabilitation investment of One Hundred Twenty-Five Thousand Dollars (\$125,000) or more undertaken by such business firm, property owner, or leaseholder authorized to make improvements, within Enterprise Zone One A. The uses for such building are to be for profit commercial, mixed-use commercial, or industrial. All building permit and comprehensive development plan review fees shall initially be paid in full by the business firm, property owner, or leaseholder authorized to make improvements. Upon completion of the new building construction and/or rehabilitation work and upon proper documentation of the issuance of a permanent certificate of occupancy for the new building and/or proper documentation of completion of the rehabilitation work, the business firm, property owner, or leaseholder authorized to make improvements may then apply for a rebate under this local incentive. Upon the City's approval of the application, the business firm, property owner, or leaseholder authorized to make such improvements will receive a rebate from the City of the following percentage of building permit and comprehensive development plan review fees the business firm, property owner, or leaseholder authorized to make improvements previously paid (without interest) for such new building construction and/or rehabilitation work:

Amount Invested	Percent City Rebates	
\$1,000,000 or more	100%	
\$900.000-\$999.999.99	90%	

\$800,000-\$899,999.99	80%
\$700,000-\$799,999.99	70%
\$600,000-\$699,999.99	60%
\$500,000-\$599,999.99	50%
\$400,000-\$499,999.99	40%
\$300,000-\$399,999.99	30%
\$250,000-\$299,999.99	20%
\$125,000-\$249,999.99	10%
\$0- \$124,999.99	0%

The effective date of the availability of this local incentive is January 1, 2004. The incentive shall be available only for building permit and comprehensive development plan review fees paid between the period of January 1, 2004, through December 31, 2023, at which time the Enterprise Zone One A designation will end, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.

6. Any business firm, property owner, or leaseholder authorized to make improvements, undertaking new building construction and/or rehabilitation work within the City's Enterprise Zone One A shall be entitled to receive a grant from the Industrial Development Authority of the City of Roanoke, Virginia (IDA) equal to an amount up to 100% of water, fire, and sewer hookup fees based on appropriate and approved documentation of the amount of new building construction and/or rehabilitation investment of One Hundred Twenty-Five Thousand Dollars (\$125,000) or more undertaken by such business firm, property owner, or

leaseholder authorized to make improvements within Enterprise Zone One A. The City will provide funds to the IDA for grants for this local incentive in order to enhance economic development in the area. The uses for such building are to be for profit commercial, mixed-use commercial, or industrial. All water, fire, and sewer hookup fees shall initially be paid in full by the business firm, property owner, or leaseholder authorized to make improvements. Upon completion of the new building construction and/or rehabilitation work and upon proper documentation of the issuance of a permanent certificate of occupancy for the new building and/or proper documentation of completion of the rehabilitation work, the business firm, property owner, or leaseholder authorized to make improvements may then apply for a grant from the IDA under this local incentive. Upon the approval of the application, the business firm, property owner, or leaseholder authorized to make improvements will receive a grant from the IDA of an amount equal to the following percentage of water, fire, and sewer hookup fees the property owner or leaseholder authorized to make such improvements previously paid (without interest) for such new building construction and/or rehabilitation work:

Amount Invested	Grant Percent
\$1,000,000 or more	100%
\$900,000-\$999,999.99	90%
\$800,000-\$899,999.99	80%
\$700,000-\$799,999.99	70%
\$600,000-\$699,999.99	60%
\$500,000-\$599,999.99	50%
\$400,000-\$499,999.99	40%

\$300,0	00-\$399,999.99	30%
\$250,0	00-\$299,999.99	20%
\$125,0	00-\$249,999.99	10%
\$0-	\$124,999.99	0%

The effective date of the availability of this local incentive is January 1, 2004. The incentive shall be available only for water, fire, and sewer hookup fees paid between the period of January 1, 2004, through December 31, 2023, at which time the Enterprise Zone One A designation will end, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.

7. The City will provide funds to the Industrial Development Authority of the City of Roanoke, Virginia, (IDA) so that the IDA can enhance safety in Enterprise Zone One A by providing new, first time fire suppression system retrofit grants to a business firm, property owner, or leaseholder authorized to make improvements, but who is NOT required to install in its building a new, first time fire suppression system, but who chooses to install such a system in its building nonetheless. Each grant shall be for a period not to exceed five (5) years and shall be good only as long as such system is actively maintained. Such grants may be transferred to a new entity responsible for such charges upon notice to and approval by the City. Grants shall be in an amount equal to the following percentages of monthly fire service charges that have been paid:

Year One — 50% of monthly fire service charge

Year Two — 40% of monthly fire service charge

Year Three — 30% of monthly fire service charge

Year Four — 20% of monthly fire service charge

Year Five — 10% of monthly fire service charge

The City will also provide funds to the IDA for a grant equal to the amount of 100% of fire hookup fees to a business firm, property owner, or leaseholder authorized to make improvements, but who is NOT required to install in its building a new, first time fire suppression system as set forth above. The uses for such building for both grants are to be for profit commercial, mixed-use commercial, or industrial.

The availability of this local incentive is from January 1, 2004, through December 31, 2023, at which time the Enterprise Zone One A designation will end, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.

8. Neighborhood organizations wishing to promote civic pride within Enterprise Zone One A or in a census tract contiguous to such zone may be eligible for grants. The maximum grant per neighborhood organization will be Five Hundred Dollars (\$500) per fiscal year. The total maximum amount the City will appropriate for this local incentive will be Two Thousand Five Hundred Dollars (\$2,500) per fiscal year. The City Manager shall also establish neighborhood public park improvement grants that will be available to the City's Department of Parks and Recreation for making substantial improvements to neighborhood public parks within Enterprize Zone One A or in a census tract contiguous to such zone. The amount the City will appropriate for such grants will be at least Ten Thousdand Dollars (\$10,000) per fiscal year. The of availability of this local incentive is from January 1, 2004, through December 31, 2023, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.

- 9. The City will provide funds to the Industrial Development Authority of the City of Roanoke, Virginia, (IDA) so that the IDA can enhance safety in Enterprise Zone One A by providing grants to businesses that, as a result of participating in the Roanoke City Police Department's Star City Business Watch program, have made improvements to their properties in order to improve security. The maximum grant will be the lesser of 50% of the actual out of pocket cost of the security improvements or Five Hundred Dollars (\$500) per fiscal year. The amount the City will appropriate for this local incentive will be at least Two Thousand Five Hundred (\$2,500) per fiscal year. The period of availability for this local incentive will be January 1, 2004, through December 31, 2023, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.
- 10. Job training grants will be provided to business firms within the City of Roanoke's Enterprise Zone One A subject to the following conditions and restrictions:
 - A. The City will provide funds to the Industrial Development Authority of the City of Roanoke, Virginia (IDA) for any such job training grants for this local incentive.
 - B. Only business firms qualified to receive job training assistance from the Virginia Department of Business Assistance (VDBA) may receive grants from the IDA;
 - C. A business firm shall only be allowed to request a job training grant(s) under the local incentive program from the time it becomes eligible for VDBA assistance until six months after receiving assistance from the VDBA;
 - D. The job training grants will be awarded to business firms in Enterprise Zone One A upon proper application and documentation of qualifying for and receiving VDBA workforce assistance;
 - E. The amount of job training grants will be in an amount up to or equaling the amount of assistance the business firm is eligible for, as determined

by the VDBA, but cannot, in conjunction with the VDBA assistance, surpass the need of the business firm.

- F. The job training grants provided by this local incentive are available from January 1, 2004, through December 31, 2023, unless otherwise modified by Council.
- G. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.
- 11. The limitations on the total amount of funding to be provided for any of the local incentives mentioned in this ordinance are intended to refer to the total funding that the City intends to commit for that particular local incentive for a particular entity and/or for a particular fiscal year, unless otherwise indicated in that local incentive. Any appropriated funds not used during a particular fiscal year for any local incentive may be used for that local incentive in a subsequent fiscal year and counted toward the subsequent fiscal year's limitation for such local incentive or added to that limitation, as the City may deem appropriate. Also, the funding for the grants and local incentives referred to in this ordinance are subject to appropriation of such funds by Council for each fiscal year. Furthermore, these provisions shall be applicable only as long as the local incentives are available as indicated in this ordinance, unless otherwise modified by Council.
- 12. This ordinance shall be in full force and effect retroactive to January 1, 2004, the retroactive date for which the Governor's designation applies for Enterprise Zone One A.
- 13. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

92,1.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the proper City officials to make a boundary amendment to Roanoke's Enterprise Zone One A that will add certain areas not currently in Enterprise Zone One A; authorizing the City Manager to apply to the Virginia Department of Housing and Community Development for approval of such boundary amendment and to take such further action as may be necessary to obtain and implement such boundary amendment.

WHEREAS, there are certain areas currently located outside Roanoke's Enterprise Zone One A that are contiguous to Enterprise Zone One A that are not currently a part of Enterprise Zone One A, but that can be added to Enterprise Zone One A and that will benefit from the designation of those additional areas as part of Enterprise Zone One A, as set forth in a letter from the City Manager to Council dated February 22, 2005;

WHEREAS, the Virginia Enterprise Zone Act of 1982, as amended, authorizes the amendment of an existing Enterprise Zone, thereby making qualified business firms which locate or expand within such amended Zone eligible for significant Enterprise Zone benefits as referred to in the above letter:

WHEREAS, the addition of certain areas of the City as part of Roanoke's Enterprise Zone

One A as set forth above has a potential to stimulate significant private sector investment within the

City in areas where such business and industrial growth could result in much needed growth and
revitalization; and

WHEREAS, this Council, acting in its capacity as the governing body of the City of Roanoke, has held a Public Hearing on the proposed boundary amendment, at which Public Hearing citizens and parties in interest were afforded an opportunity to be heard on the proposed boundary amendment to Enterprise Zone One A.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke is hereby applying for an amendment to Roanoke's Enterprise Zone One A, which amendment will add additional areas which are currently outside Enterprise Zone One A. This boundary amendment is more fully shown on the maps attached to the letter to Council dated February 22, 2005, and more fully described in such letter.
- 2. The City Manager is hereby authorized to apply, on behalf of the City, to the Virginia Department of Housing and Community Development for a boundary amendment to Roanoke's existing Enterprise Zone One A pursuant to the applicable provisions of the Virginia Enterprise Zone Act of 1982, as amended, which boundary amendment will add to Enterprise Zone One A certain areas not currently in Roanoke's Enterprise Zone One A, all as more fully set forth in the above mentioned letter.
- 3. Council hereby certifies that it held a held a Public Hearing as required by the Virginia Enterprise Zone Program Regulations.
- 4. The City Manager is authorized to submit to the Virginia Department of Housing and Community Development all information necessary for the application for the boundary amendment to Roanoke's Enterprise Zone One A for the Department's review and consideration and to take such further action as may be necessary to meet other program requirements or to establish the boundary amendment as set forth above. The City Clerk is authorized to execute and attest any documents that

may be necessary or required for the application or for the provision of such information.

5. This Resolution shall be effective on and after the date of its adoption.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending Ordinance No. 36782-071904, adopted by City Council on July 19, 2004, by modifying certain local incentives contained therein for Enterprise Zone One A; authorizing the City Manager to apply to the Virginia Department of Housing and Community Development (VDHCD) for the approval of the above amendment and/or to take such further action as may be necessary to obtain or confirm such amendment; establishing an effective date; and dispensing with the second reading by title of this ordinance;

WHEREAS, City's Enterprise Zone One expired on December 31, 2003, but the City received a designation in June 2004 from the Governor of Virginia of a new Enterprise Zone One A retroactive to January 1, 2004;

WHEREAS, on July 19, 2004, City Council adopted Ordinance No. 36782-071904, which adopted certain local incentives for Enterprise Zone One A, which included grants from the Industrial Development Authority of the City of Roanoke, Virginia (IDA) for water, fire, and sewer hookup fees under certain conditions; and

WHEREAS, on July 1, 2004, the Western Virginia Water Authority (WVWA) assumed ownership of the City of Roanoke and Roanoke County water and sewer assets and this has necessitated a change in certain local incentives for water, fire, and sewer hookup fees for Enterprise Zone One A so that the amount of such grants be limited as hereinafter set forth.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Ordinance No. 36782-071904, adopted by City Council on July 19, 2004, is hereby amended as follows:

Paragraph number 6 is deleted effective April 1, 2005, and is hereby replaced by the following paragraph number 6:

6. Subject to the maximum amounts set forth herein, any business firm, property owner, or leaseholder authorized to make improvements, undertaking new building construction and/or rehabilitation work within the City's Enterprise Zone One A shall be entitled to receive a grant from the Industrial Development Authority of the City of Roanoke, Virginia (IDA) equal to an amount up to 100% of water, fire, and sewer hookup fees based on appropriate and approved documentation of the amount of new building construction and/or rehabilitation investment of One Hundred Twenty-Five Thousand Dollars (\$125,000) or more undertaken by such business firm, property owner, or leaseholder authorized to make improvements within Enterprise Zone One A. The City will provide funds to the IDA for grants for this local incentive in order to enhance economic development in the area. The uses for such building are to be for profit commercial, mixed-use commercial, or industrial. All water, fire, and sewer hookup fees shall initially be paid in full by the business firm. property owner, or leaseholder authorized to make improvements. Upon completion of the new building construction and/or rehabilitation work and upon proper documentation of the issuance of a permanent certificate of occupancy for the new building and/or proper documentation of completion of the rehabilitation work, the business firm, property owner, or leaseholder authorized to make improvements may then apply for a grant from the IDA under this local incentive. Upon the approval of the application, the business firm, property owner, or leaseholder authorized to make improvements will receive a grant from the IDA of an amount equal to the following percentage of water, fire, and sewer hookup fees the property owner or leaseholder authorized to make such improvements previously paid (without interest), subject to the maximum amount, for such new building construction and/or rehabilitation work:

Amount invested	Grant Percentage Subject
	to Maximum Amount
41 000 000	4000/
\$1,000,000 or more	100%
\$900,000-\$999,999.99	90%
\$800,000-\$899,999.99	80%

\$700,000	-\$799,999.99	70%
\$600,000	-\$699,999.99	60%
\$500,000	-\$599,999.99	50%
\$400,000	-\$499,999.99	40%
\$300,000	-\$399,999.99	30%
\$250,000	-\$299,999.99	20%
\$125,000	-\$249,999.99	10%
\$0-	\$124,999.99	0%

The maximum amount of the grants referred to above shall be based on the size of the hookup and will be as set forth below:

Maximum	Water Hookup G	rants based on Size	<u>of Hookup</u>
5/8"	\$1,500	3"	\$ 3,960
3/4"	\$1,515	4"	\$12,300
1"	\$1,600	6"	\$14,010
1 ½"	\$2,300	8"	actual cost up to, but not to exceed \$20,043
2"	\$2,500	10-12"	actual cost up to, but not to exceed \$22,079

Maximum Sewer Hookup Grants based on Size of Hookup

5/8 – 6"	\$1,500
8"	actual cost up to, but not to exceed \$3,750
12"	actual cost up to, but not to exceed \$7,500

Maximum Fire Hookup Grants based on Size of Hookup

4"	\$10,300	10"	\$15,000
6"	\$10,800	12"	actual cost up to, but not to exceed \$22,250
8"	\$13,300		

The effective date of the availability of this amended local incentive is April 1, 2005. This amended local incentive shall be available only for water, fire, and sewer hookup fees paid between the period of April 1, 2005, through December 31, 2023, at which time the Enterprise Zone One A designation will end, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive.

2. Council hereby certifies that it held a public hearing as required by the Virginia

Enterprise Zone Program Regulations.

The local incentive amendment set forth above and in the City Manager's letter dated February 22, 2005, is supported by Council, but Council notes it is subject to approval by the VDHCD and should it not be approved, such amendment will not become effective so that any prior measures, if any, on the particular matter, will stay in effect.

4. Any funding required for any such local incentives is subject to the appropriation of such funds by Council.

5. As amended, Ordinance No. 36782-071904, adopted July 19, 2004, is hereby affirmed and remains in full force and effect.

6. The City Manager is authorized to submit to the VDHCD all information necessary for approval or confirmation of the above amendment regarding local incentives and to take such further action or to execute such further documents as may be necessary to meet other program requirements or to establish and administer the local incentives as set forth above. The City Clerk is authorized to execute and attest any documents that may be necessary or required for the purposes as set forth above.

7. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

DIT.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending Ordinance No. 35820-041502, adopted by City Council on April 15, 2002, by modifying certain local incentives contained therein; by extending the availability of such local incentives for Enterprise Zone Two and its Subzone through December 31, 2015; authorizing the City Manager to apply to the Virginia Department of Housing and Community Development (VDHCD) for the approval of the above amendments and/or to take such further action as may be necessary to obtain or confirm those amendments; establishing an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, on July 1, 1996, City Council adopted Ordinance No. 33019-070196 approving, adopting, and establishing certain local incentives for the area designated as Enterprise Zone Two in the City of Roanoke, and which applied to a Subzone that was created by a boundary amendment authorized by Resolution No. 34024-092198, adopted by Council on September 21, 1998;

WHEREAS, on July 19, 1999, City Council adopted Ordinance No. 34412-071999, for the purpose of providing that the local incentives established for the area designated as Enterprise Zone Two, including the Subzone of Two, shall also apply to the City's Enterprise Zone One as of July 19, 1999, and that the incentives in Enterprise Zone One would likewise apply to Enterprise Zone Two as of that date, except to the extent a local incentive was unique to a particular Enterprise Zone, and such ordinance will remain in effect for such purpose;

WHEREAS, Ordinance No. 35414-061801, adopted by City Council on June 18, 2001, provided that the local incentives made applicable to the City's Enterprise Zones would end on December 31, 2003, unless otherwise modified by Council;

WHEREAS, on April 15, 2002, City Council adopted Ordinance No. 35820-041502, amending the prior measurers in certain respects, which included extending the local incentives through June 30, 2007, provided that if Enterprise Zone One was not extended by the VDHCD, the local incentives for Enterprise Zone One would terminate on December 31, 2003, when Enterprise Zone One expired;

WHEREAS, Enterprise Zone One expired on December 31, 2003, but the City received a designation in June 2004 from the Governor of Virginia of a new Enterprise Zone One A retroactive to January 1, 2004;

WHEREAS, on July 19, 2004, City Council adopted Ordinance No. 36782-071904, which adopted certain local incentives for Enterprise Zone One A, which included grants from the Industrial Development Authority of the City of Roanoke, Virginia (IDA) for water, fire, and sewer hookup fees under certain conditions;

WHEREAS, on July 1, 2004, the Western Virginia Water Authority (WVWA) assumed ownership of the City of Roanoke and Roanoke County water and sewer assets and this has necessitated a change in the local incentives for Enterprise Zone Two and its Subzone in order to provide that the former rebates for water, fire, and sewer hookup fees now be made by grants from the IDA and that the amount of such grants be limited as hereinafter set forth; and

WHEREAS, City Council now wishes to also extend the applicable time period for all local incentives, as amended, for Enterprise Zone Two and its Subzone, from June 30, 2007, through December 31, 2015.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Ordinance No. 35820-041502, adopted by City Council on April 15, 2002, is hereby amended as follows:

Paragraph number 4 referred to in paragraph 1(A) is deleted effective April 1, 2005, and is hereby replaced by the following paragraph number 4:

Subject to the maximum amounts set forth herein, any business (4) firm undertaking new building construction and/or rehabilitation work within the City's Enterprise Zone Two or its Subzone shall be entitled to receive a grant from the Industrial Development Authority of the City of Roanoke, Virginia (IDA) equal to an amount up to 100% of water, fire, and sewer hookup fees based on appropriate and approved documentation of the amount of new building construction and/or rehabilitation investment of \$125,000 or more undertaken by such business firm within such Enterprise Zone. The City will provide funds to the IDA for grants for this local incentive in order to enhance economic development in the area. All water, fire, and sewer hookup fees shall initially be paid in full by the business firm. Upon completion of the new building construction and/or rehabilitation work and upon proper documentation of the issuance of a permanent certificate of occupancy for the new building and/or proper documentation of completion of the rehabilitation work, the business firm may then apply for a grant from the IDA under this local incentive. Upon the approval of the application, the business firm will receive a grant from the IDA of an amount equal to the following percentage of water, fire, and sewer hookup fees the business firm previously paid (without interest), subject to the maximum amount, for such new building construction and/or rehabilitation work:

Amount invested	Grant Percentage Subject to Maximum Amount
\$1,000,000 or more	100%
900,000 - 999,999.99	90%
800,000 - 899,999.99	80%
700,000 - 799,999.99	70%
600,000 - 699,999.99	60%
500,000 - 599,999.99	50%
400,000 - 499,999.99	40%
300,000 - 399,999.99	30%
250,000 - 299,999.99	20%
125,000 - 249,999.99	10%
0 - 124,999.99	0%

The maximum amount of the grants referred to above shall be based on the size of the hookup and will be as set forth below:

Maximum	Water Hookup Gra	ants based on Size	of Hookup
5/8"	\$1,500	3"	\$ 3,960
3/4"	\$1,515	4"	\$12,300
1"	\$1,600	6"	\$14,010
1 ½"	\$2,300	8"	actual cost up to, but not to exceed \$20,043
2"	\$2,500	10-12"	actual cost up to, but not to exceed \$22,079

Maximum	Sewer Hookup Grants based on Size of Hookup
5/8 – 6"	\$1,500
8"	actual cost up to, but not to exceed \$3,750
12"	actual cost up to, but not to exceed \$7,500

Maximum Fire Hookup Grants based on Size of Hookup			
4"	\$10,300	10"	\$15,000
6"	\$10,800	12"	actual cost up to, but not to exceed \$22,250
8"	\$13,300		

The effective date of the availability of this amended local incentive is April 1, 2005. This amended local incentive shall be available only for water, fire, and sewer hookup fees paid between the period of April 1, 2005, through December 31, 2015, at which time such local incentive will end, unless otherwise modified by Council. The City Manager shall establish appropriate rules and regulations necessary to implement this local incentive. It is the intent of this Ordinance that effective April 1, 2005, all grants for this amended local incentive shall be controlled by this paragraph unless otherwise modified by Council.

2. Ordinance No. 35820-041502, adopted by Council on April 15, 2002, is hereby amended so that all references in paragraph 2 of the Ordinance to June 20, 2007, are hereby deemed to be amended and changed to read December 31, 2015, and reference in paragraph 2 to "...the City's Enterprise Zones..." is hereby changed to read "...the City's Enterprise Zone Two and its Subzone."

3. Council hereby certifies that it held a public hearing as required by the Virginia

Enterprise Zone Program Regulations.

4. The local incentive amendments set forth above and in the City Manager's letter

dated February 22, 2005, are supported by Council, but Council notes they are subject to approval

by the VDHCD and should any of them not be approved, those not approved will not become

effective so that any prior measures, if any, on the particular matter, will stay in effect.

5. Any funding required for any such local incentives is subject to the appropriation of

such funds by Council.

6. As amended, Ordinance No. 35820-041502, adopted April 15, 2002, is hereby

affirmed and remains in full force and effect.

7. The City Manager is authorized to submit to the VDHCD all information necessary

for approval or confirmation of the above amendments regarding local incentives and to take such

further action or to execute such further documents as may be necessary to meet other program

requirements or to establish and administer the local incentives as set forth above. The City Clerk

is authorized to execute and attest any documents that may be necessary or required for the

purposes as set forth above.

8. Pursuant to the provisions of Section 12 of the City Charter, the second reading of

this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request of Appalachian Power

Company for Easement on City Owned Property at the Roanoke

Civic Center

Appalachian Power Company has requested a variable width utility easement across city owned property identified by Tax Map Nos. 3024004 and 3014003 to extend an existing power line on the above referenced site to provide electric service to that facility. The extension will utilize both overhead and underground lines, the location of which shall be approved by the City. See Attachments #1 & #2.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents granting an easement as described above to Appalachian Power Company, approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB/SEF

Attachments

c: Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Sarah E. Fitton, Engineering Coordinator

#CM05-00014

MAP NO. <u>3780-254-D1</u>	W. O. NO	W001147601
PROPERTY NO1	JOB NO	05-10011
EAS NO		
THIS AGREEMENT, made this	day of	_, 2005, by and between
the CITY OF ROANOKE, a municipal	corporation existing u	nder the laws of the
Commonwealth of Virginia, herein called "	GRANTOR," and APP	ALACHIAN POWER
COMPANY, a Virginia corporation, herein cal	lled "APPALACHIAN."	

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00), the receipt of which is hereby acknowledged, the GRANTOR hereby gives license and permit to APPALACHIAN, its successors and assigns, and the right, privilege and authority to said APPALACHIAN, its successors and assigns, to construct, erect, operate, and maintain a line or lines for the purpose of transmitting electric power overhead and underground on the property of the City of Roanoke, further identified as Roanoke City Tax Parcel numbers 3014003 and 3024004 in the City of Roanoke, Virginia.

BEING a right of way and easement, in, on, along, through, across or under said lands for the purpose of providing service to the Roanoke Civic Center, as shown on that certain Appalachian Power Company Drawing V-1545, dated 1-19-05, entitled "Proposed Right of Way on Property of City of Roanoke", attached hereto and made a part hereof.

TOGETHER with the right to said APPALACHIAN, its successors and assigns, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the

number of, and relocate at will, poles, with crossarms, wires, cables, transformers, guys, and anchors in, on, and under the premises above referred to; grounding systems and all other appurtenant equipment and fixtures, underground conduits, ducts, vaults, cables, wires, transformers, pedestals, risers, pads, fixtures and appurtenances (hereinafter called "Appalachian's Facilities"), and string wires and cables, adding thereto from time to time, in, on, along, over, through, across and under the above referred to premises; the right to cut down, trim, clear and/or otherwise control, and at Appalachian's option, remove from said premises any trees, shrubs, roots, brush, undergrowth, overhanging branches, buildings or other obstructions which may endanger the safety of, or interfere with the use of Appalachian's Facilities: the right to disturb the surface of said premises and to excavate thereon: and the right of ingress and egress to and over said above referred to premises and any of the adjoining lands of the Grantors at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith. The Grantor hereby grants, conveys and warrants to Appalachian Power Company a non-exclusive right of way easement for electric facilities. The location of such facilities shall be mutually agreed upon in advance by both parties.

APPALACHIAN agrees to restore and repair any damage to GRANTOR'S property that may be caused by the construction, operation, or maintenance of said easement. The GRANTOR agrees that APPALACHIAN will not be expected to restore the property to the identical original condition, but rather as near thereto as is reasonably practicable.

In the event APPALACHIAN should remove all of said Appalachian's facilities from the lands of the GRANTOR, then all of the rights, title and interest of the party of

APPALACHIAN in the right of way and license hereinabove granted, shall revert to the GRANTOR, its successors and assigns.

APPALACHIAN agrees to indemnify and save harmless the GRANTOR against any and all loss or damage, accidents, or injuries, to persons or property, whether of the GRANTOR or any other person or corporation, arising in any manner from the negligent construction, operations, or maintenance, or failure to properly construct, operate, or maintain said Appalachian's facilities.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors and assigns.

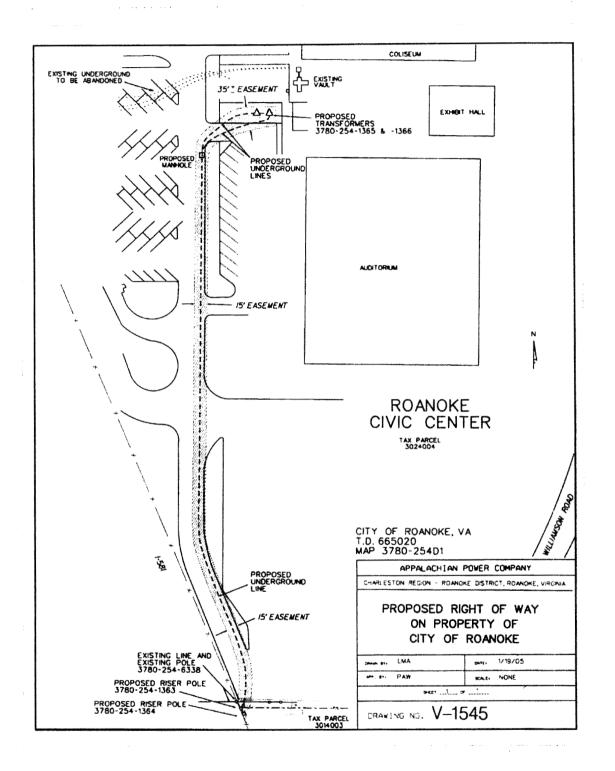
Upon recordation of this agreement Appalachian accepts the terms and conditions contained therein.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

WITNESS the signature of	the City of Roanoke by Darlene L. Burcham, its City
Manager, and its municipal seal here	eto affixed and attested by Mary F. Parker, its City Clerk
pursuant to Ordinance No.	adopted on
	CITY OF ROANOKE
	CITY MANAGER
ATTEST:	

CITY CLERK

My Commission Expires:	Notary Public
jurisdiction aforesaid. Given under my hand this	day of, 2005.
	_, 2005, have each acknowledged the same before me in my
	signed to the writing above, bearing date the day
and	City Manager and City Clerk, respectively, of the City of
Commonwealth At Large, do certify	y that
Ι,	, a Notary Public in and for the City and
CITY OF ROANOKE)	
) TO-WIT	`:
STATE OF VIRGINIA)	





IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the conveyance of a variable width easement on City-owned property known as the Roanoke Civic Center, identified by Official Tax Nos. 3024004 and 3014003, to Appalachian Power Company, to extend an existing power line at the Roanoke Civic Center to provide electric service to that facility, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on February 22, 2005, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, the necessary documents donating and conveying a variable width easement on City-owned property known as the Roanoke Civic Center, identified as Official Tax Nos. 3024004 and 3014003, to Appalachian Power Company for the extension of an existing power line to provide electric service to that facility, upon certain terms and conditions, as more particularly set forth in the February 22, 2005, letter of the City Manager to this Council.
- 2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN TH	HE MATTER OF)) PETITION FOR APPEAL)
	This is a Petition for Appeal from a decision of the Architectural Review d under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City anoke (1979), as amended.
1.	Name of Petitioner(s): Jessie + Margret Taylor
2.	Doing business as (if applicable):
3.	Street address of property which is the subject of this appeal: 34-6, Lmer Ave., N.E. / Roano Ke, VA.
4.	Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: $H - 1$
5.	Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: 12/09/04
6.	Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): 36,1-327
7.	Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Request To get a Carport put on Property to Protect on New Car, Need some protection from weather and birds, to Keef From suining exterior of Car.
8.	Grounds for appeal: I know we Live in a historic neighbor- hold, but I we do not see where getting a Carport Can interfer with the integrity of the neighborhood, we own (2) Connecting probestics Where home is, Wedisagree with ARB ruling, and want to bring this before City Council. ASAP.
9.	Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council; <u>Tessie</u> J. Taylor, home owner, 34-Gilmer Ave; N.E. Roan o Ke, VA. 24016 540-343-8557

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s) (If not Petitioner):	Signature of Petitioner(s) or representative(s), where applicable:
Ministration	
Name: Margret L. Taylor (print or type)	Name: <u>Jessie J. Taylor</u> (print or type)
Name:	Name:
(print or type)	(print or type)
TO BE COMPLETED BY CITY CLERK:	
Received by: Mary F. Parker, City Clerk	Date:Jan. 4, 2005

Architectural Review Board

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

February 22, 2005

Architectural Review Board Board of Zoning Appeals Planning Commission

> Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member Honorable Sherman Lea, Council Member Honorable Brian J. Wishneff, Council Member

> Dear Mayor Harris and Members of City Council:

Subject:

Jessie and Margret Taylor Appeal of

Architectural Review Board Decision

34 Gilmer Avenue, N.E.

Background:

In July, 2004, Mr. Taylor requested a Certificate of Appropriateness for a metal carport at his residence at 34 Gilmer Avenue, N.E., which is within the H-2, Neighborhood Preservation District. Ms. Anne Beckett, Architectural Review Board Agent, met with Mr. Taylor at the property to discuss the project and arrange for the required design review. The Taylors live in a ca. 1910, two-story, Folk Victorian frame house that is clad in aluminum siding. The property is in good condition. Mr. Taylor owns an adjacent vacant lot and plans to combine the two lots before erecting the proposed carport.

Staff advised Mr. Taylor that the metal carport would not be in keeping with the historic district guidelines and suggested a design that would be more compatible with the design of the house. Mr. Taylor investigated the possibility, but maintained his original request.

Mr. Taylor filed an application for a Certificate of Appropriateness for a metal carport, which was considered by the Architectural Review Board (Board) on August 12, 2004 (See Minutes: Attachment A). Leonard Carports manufactures the proposed carport that measures 12-ft. x 21-ft. x 7-ft. (See Application: Attachment B). The staff report recommended that a more compatible carport be considered because it did not meet the H-2 Guidelines or the intent of the historic district (Sec. 36.1-342 (b) Encourage new construction, or alterations that are compatible with the existing scale and character of surrounding properties).

Board members expressed concern about the design of the carport and suggested that Mr. Taylor consider a permanent garage or a carport attached to the house. Mr. Taylor stated that he intended to build a garage later when finances allowed. Mr. Taylor stated that he needed the carport to protect his wife's new vehicle. The Board believed that the proposed design would not be compatible with the character of the historic district and requested that he work with staff for a better design. At the request of the applicant, the application was tabled until the September Board meeting.

Mr. Taylor requested that the application be tabled again until the October Board meeting. At the October Board meeting, Mr. Taylor failed to appear. The Board decided to table the application until the November Board meeting. However, just prior to the November meeting, Mr. Taylor again requested that the matter be tabled until the December Board meeting for personal reasons. Mr. Taylor appeared before the Board at the December 9, 2004, meeting with the same request (See Minutes: Attachment C). The staff report recommended denial because the application was not consistent with the H-2 Guidelines or the intent of the historic district. The Board expressed concern again that the metal carport was not in keeping with the historic district guidelines or the character of the neighborhood because of its shape, material, and design.

The motion to approve the application failed by a 0-6 vote. Mr. Taylor was formally notified of the denial and of his right to appeal to City Council by letter dated December 14, 2004. Mr. Taylor filed an appeal of the Architectural Review Board's decision on January 4, 2005 (Attachment D).

Considerations:

The H-2 Architectural Design Guidelines adopted by the ARB and endorsed by City Council state that the design and placement of accessory structures can have an important influence on a building's overall appearance. The guidelines further recommend the following be considered for accessory structures:

- Adopt a compatible style or use design motifs of the original building.
- Locate as inconspicuously as possible on the side or rear of building.
- Choose materials that are compatible with the existing structure and are appropriate to the residential character of the historic district.
- Use roofing forms and material that are compatible with those of the main building.

Staff did not identify any other similar appeals to City Council or any recent applications for carports or any other accessory structures that are analogous to these circumstances.

Recommendation:

The Architectural Review Board recommends that City Council affirm its decision to deny the issuance of a Certificate of Appropriateness.

Sincerely,

Robert N. Richert, Chairman Architectural Review Board

cc: Darlene L. Burcham, City Manager

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney

R. Brian Townsend, Director, Planning Building and Development

Anne S. Beckett, Agent, Architectural Review Board

Architectural Review Board August 12, 2004 Page 8

the structure without having a Certificate of Appropriateness. She said that she thought there had been some type of wood shingle on the back of the structure, however, she did not have her photographs with her to verify that.

Mr. Carter said there were asbestos shingles and not wood shingles on the structure.

Mr. Harwood said there still seemed to be a little bit of a question about how to trim the doors and windows and he suggested that Mr. Carter meet with Anne Becket to get the specifics on the trim around the windows and doors.

Ms. Blanton said that she was a little confused about the rear of the structure, and asked if it was an alteration of something that had previously been altered.

At the conclusion of discussion, Mr. Harwood made a motion to approve the application of vinyl siding on the rear addition of the structure with the exception that all existing doors and windows that are currently in place (one door and six windows on rear elexation and one door and one window on side elevation) be trimmed with $3 \frac{1}{2}$ " - 4" exposure, solid vinyl window/door casing that have the integral "J" channel; use of creative capping techniques above the door and below the transom; application of siding on the blocked in opening on the rear elevation (currently covered with plywood), so that the trim actually wraps around the six windows: siding to the right of the six windows will extend up to the existing soffit; if there is an element above the head of the six windows, then the siding is to be extended across and abutting the soffit and overhang; removal of brick molding on the other side and installation of integral J channel over side door; and existing soffit and fascia to remain as is, but painted. He also requested that Mr. Carter and Ms. Beckett meet to look at the integral J channel. The motion was seconded by Ms. Botkin and approved by a roll call vote of 4-0, as follows:

Ms. Botkin - yes Mr. Harwood - yes Mr. Stephenson - yes Mrs. Blanton - yes

8. Request from Margret and Jessie Taylor for a Certificate of Appropriateness approving a carport on vacant lot adjacent to 34 Gilmer Avenue, N.E.

Architectural Review Board August 12, 2004 Page 9

Members of the Board reviewed the request and believed that the proposed carport was too out of character for the historic district and suggested the applicant work with staff for a better design.

Discussion by the Board centered on exploring other options for providing an alternative to the proposal, including a carport attached to the existing structure, or the creation of a detached garage in the rear yard of the property in the general location where two storage sheds are currently placed.

In order for the alternatives to be considered further, the request was tabled by the Board at the request of the applicant.

9. Informal Review -Roanoke Valley Sister Cities for Signage

Review of the proposed signage focused on the Board's comments regarding the complexity of the sign box and frame. The Board expressed no reservation about the proposed material, proportion of the sign, or its placement on the wall within the park as proposed.

The Board felt that perhaps a plexi-glass sheet over the actual sign face could be utilized to protect the sign face from potential vandalism rather than the proposed bi-fold doors.

The applicant will revisit some design alternatives prior to coming back to the Board for formal action at the September 9th meeting.

<u>Informal Review - National Register Nominations</u>

Motion was made, duly seconded and approved to support the nominations.

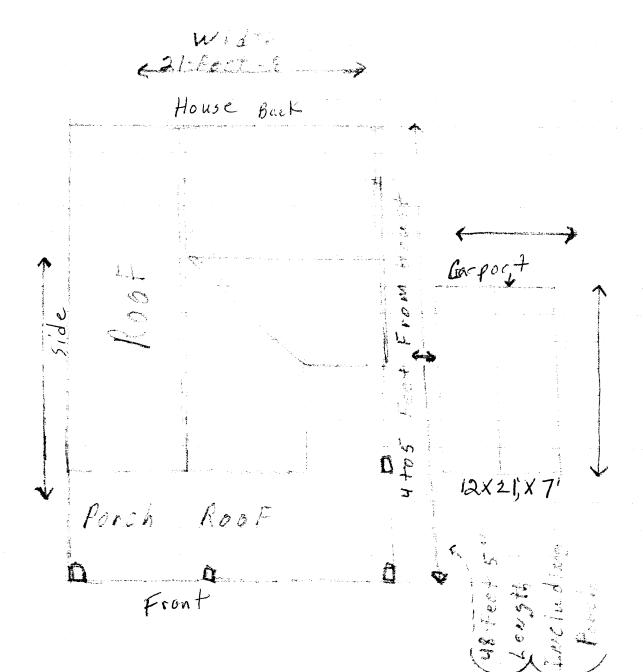
Respectfully submitted: Martha & Franke

Martha P. Franklin, Secretary

Roancke Architectural Reviev Board Request for Certificate of Appropriateness ① Date of Application: 7/24/04 2) Property address: 34-Gilmer Ave., N.E. (3) Property owner: MECENTER Name: Margret-Jessie Taylor Address: 34-Gilmer Ave., N.E. Department of CHY OF ROWNING Planning Building land Development Room 166 Municipal Building Roano Ke, VA. 24016 Phone: 540-343-8557 215 Church Avenue, SW Roanoke, VA 24011 4 Representative (contractor or agent): Phone: (540) 853-1730 (540) 853-1230 Name: Leonard's ARB Agent: Anne Beckett, City Planner II Address: 5736 Williamson Rd. (540) 853-1522 Roanske, VA. Phone: 540-362-8170 (5) Description of Work: Include details of construction, dimensions, and the materials that will be used. Attach supporting information to the application (e.g. scaled drawing, photographs, and samples). Carport for New Car. Birds are very bada bout soiling the Cars, especially in the springtime. I don't want the paint ruined on the Car by Bard droppings - weather. Carport Measurements 12X21X7, for a single Car. Will match the house, Materials, Galvanized steel framing+24-gange (6) Signature of owner (required) steel rooting, Picture events Attached. Section below to be completed by staff Approval By: X ARB ■ Secretary Tax Parcel Number: 3011428 Zoning District: <u>PM-2</u> Approved: Overlay district: | H1 Date: 7.27.04 Other approvals needed: Z Zoning Permit ☐ Building Permit Certificate Number: Other

Attachment.

Margret & Jessie TayLor 34 Gilmer Ave, N.F.



Your spenies to to money on your reasonable but the best protection you can give it!

(Most affordable Price of for Methods for high).

Architectural Review Board Minutes December 9, 2004 Page 5

4. Request from Margret and Jessie Taylor for a Certificate of Appropriateness approving a carport on a vacant lot adjacent to 34 Gilmer Avenue, N.E.

Mr. Taylor appeared before the Board and said that he wanted to erect a temporary carport until he had the funds to build a garage.

Mr. Richert said that the Board did not have the authority to put a time limit on a temporary carport.

Mr. Taylor said that his intention was to build a garage, but he could not tell them when.

Mr. Harwood said that Mr. Taylor might have good intentions to remove the carport, but sometimes things happen that could possibly prevent the removal. He suggested that Mr. Taylor could use a temporary car cover until he made plans to construct a garage.

Mr. Taylor said that a car cover was not a viable alternative because of the working hours of his wife.

Ms. Beckett said that even though the carport was temporary, it was not in keeping with the district.

Mrs. Blanton asked Mr. Taylor if he had looked into phasing the construction of a garage.

Mr. Taylor again stated that he did not want to do that, but wanted to build the entire garage at one time. He said that he had looked at several carports and the ones that he wants to put up are not that much out of character with the house. He said he could get a carport that was the same color as his house. He also said that the carport size would be only for one car.

Mr. Richert asked if there was anyone in the audience that would like to speak to the issue.

There being none, Mr. Manetta commented that the proposal was not compatible with the neighborhood.

There being no further discussion, a roll call vote on the application was taken and the request was denied by a roll call vote of 0-6, as follows:

Mr. Harwood - no

Architectural Review Board Minutes December 9, 2004 Page 6

Mrs. Blanton - no

Mr. Manetta - no

Mr. Schlueter - no

Mr. Stephenson - no

Mr. Richert - no

5. Request from Norman and Paula Prince, represented by Vinton Roofing, for a Certificate of Appropriateness approving roof replacement at 550 Mountain Avenue, S.W.

Mr. Richert advised that this request has been withdrawn.

6. Request from William D. Gall for a Certificate of Appropriateness approving removal and/or replacement of two story porch addition at 536 Elm Avenue, S.W.

Ms. Jennifer Lawrence (521 Elm Avenue) appeared before the Board on behalf of her father. She said that her father wanted to save the porch, but was not sure that could be done. She said that after all work was done, her father hoped the exterior would look the same.

Mr. Talevi asked for clarification on what was being requested.

Mr. Richert said that it looked like there were two options: (1) remove the 1940 addition and restore the house back to the original 1912 configuration; or (2) restore the 1940s addition as to how it appeared before the demolition.

Mr. Manetta said that he did not have enough information in front of him to know what was being requested.

Mr. Talevi agreed and said that the application was not clear.

Mr. Manetta said that it looked like it would take extensive repair to convert it back to a screened-in porch. He said that if the request was purely for repair, he did not think it needed to come before the Board, but if Mr. Gall wanted to demolish the porch and leave it off, then that was different.

Ms. Beckett said that when she spoke with Mr. Gall he had told her he wanted to demolish the porch, so that was how the application began.

Mr. Richert said that the Board wanted the right thing to be done in this situation. He said that replacing or rebuilding different from the original

Rockydale Quarries Corporation, a Virginia corporation, owner of the property subject to this petition, hereby consents to this petition, including the voluntary proffers contained herein.

ROCKYDALE QUARRIES CORPORATION

S. Landon

VIRO	SINIA;
	IN THE COUNCIL OF THE CITY OF ROANOKE
IN T	HE MATTER OF) PETITION FOR APPEAL)
	This is a Petition for Appeal from a decision of the Architectural Review d under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City panoke (1979), as amended.
1.	Name of Petitioner(s): Jessie + Margret Taylor
2.	Doing business as (if applicable):
3.	Street address of property which is the subject of this appeal: 34-4, Lmes Ave., N.E. / Roano Ke, VA.
4.	Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: $H - 1$
5.	Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: 12/09/04
6.	Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): 36,1-3.27
7.	Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Request To get a Carport put on Property to Protect in New Car, Need some protection from weather and birds, to Keep from runing exterior of Car.
8.	Grounds for appeal: I know we Live in a historic neighbor- hood, but I we do not see where getting a Carport Can interfer with the integrity of the neighborhood, we own (2) Connecting probestics Where home is the disagree with ARB suling, and want to bring this before City Council. ASAP.
9.	Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council; <u>Tessie</u> J. Taylor, home owner, 34-Gilmer Ave, N.E. Roanoke, VA. 24116 540-343-8557

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s) (If not Petitioner):	Signature of Petitioner(s) or representative(s), where applicable:
Marca Tick	The same of the same
Name: Margret L. Taylor (print or type)	Name: Jessie J. Taylor (print or type)
Name:	Name:
(print or type)	(print or type)
TO BE COMPLETED BY CITY CLERK:	
Received by:	Date: